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BILLS,

PUBLIC:

FIVE VOLUMES.

—(2.)—

DISEASES PREVENTION (METROPOLIS)

TO

LONDON, &c. DIOCESES.

Session

5 *February* —— 28 *July* 1863.

VOL. II.

1863.

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BILLS:

1863.

FIVE VOLUMES:—CONTENTS OF THE

SECOND VOLUME.

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26 *February* 1863. 26 Vict.

A

BILL

TO

Regulate the Removal in hired or public Carriages of Persons labouring under infectious Diseases in the Metropolis.

WHEREAS an Act was passed in the Twenty-fourth Year of the Reign of Her most Gracious Majesty, Chapter Seventy-seven, intituled "An Act to amend the Acts for "the Removal of Nuisances and the Prevention of Diseases," whereby it was, among other things, enacted, that it should be lawful for the local Authority for the executing the "Diseases Prevention Act" to procure and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any infectious or contagious Disease as in the said recited Act more particularly mentioned; and the Provisions of the said Act have been found insufficient within the Metropolis to prevent the Conveyance of Persons so suffering in public Vehicles plying for Hire, and such Persons are conveyed in the said Vehicles, to the great Danger and Peril of Her Majesty's Subjects thereafter using such Vehicles; and it is expedient to make other and better Provision for preventing such Practice: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Preamble.

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Carriages to be provided.

1. Every local Authority executing the Diseases Prevention Act within any Part of the City of London or the Metropolitan Police District shall, within *One Month* after the passing of this Act, provide and for ever thereafter maintain such and so many Carriages suitable in all respects for the Purpose of being used for the Conveyance of Persons suffering under infectious or contagious Diseases, so that the same shall be ready and available at all reasonable Times for the Use of those who may require the same, and shall at all Times hereafter provide suitable and necessary Appliances to enable such Conveyances to be used; and such Carriages shall be kept in such convenient Place or Places as the said local Authorities may appoint, so as to be conveniently accessible to all the Inhabitants of the District for which such Authority acts.

Rates to be fixed.

2. It shall be lawful for such local Authority, if they shall so think fit, to fix for the Conveyance of any Person in One of such Carriages such Charge as they may deem right, not exceeding the Amount now allowed by Law to be charged by the Owner of a Vehicle licensed to ply for Hire within the said District.

Penalty for using Hackney Carriage for Removal of any Person suffering from infectious or contagious Disease.

3. From and after the *passing of this Act* if any Person shall hire, use, or employ, or cause to be hired, used, or employed, any Hackney Carriage plying within the Metropolitan District for the Removal of any Person whom he shall know or have reasonable Cause to believe to be suffering from any infectious or contagious Disease whatsoever, or shall personally aid, assist, or abet any other Person in hiring, using, or employing any such Hackney Carriage, every such Person, on summary Conviction thereof, shall forfeit and pay a Penalty not exceeding *Ten Pounds.*

Not necessary to prove the Disease under which such Person was suffering.

4. It shall not be necessary upon the hearing of any Charge of such Offence having been committed, in any such Conviction or Record of Conviction to state or prove the Disease under which such Person was suffering, but it shall be sufficient to allege and show that such Person was suffering from Disease, and the Person using or employing the Hackney Carriage knew or had Reason to believe that such Disease was infectious or contagious.

One Half of Penalty to be paid to Informer.

5. *The Half* of the Penalty imposed upon Conviction of any Offence against this Act shall be paid to the Person giving Information of same.

6. All Proceedings against any Person for an Offence under this Act shall be taken in accordance with the Provisions of an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled " An Act for improving the Police in " and near the Metropolis," and the several Acts amending the same; and all the Provisions of the said Acts relating to summary Convictions shall be applicable to Convictions under this Act, so far as the same may be reasonably capable of being applied thereto.

Proceedings to be taken under 10 G. 4. c. 44.

7. In this Act, and in any Conviction or Proceeding under it, the Word " infectious " shall include " contagious," and every contagious Disease shall be deemed to be infectious for the Purpose of this Act.

Interpretation.

8. This Act may be intituled " The Diseases Prevention Act, 1863."

Short Title.

9. This Act and the said recited Act of the Twenty-fourth Year of Her Majesty's Reign, Chapter Seventy-seven, shall be read together as One Act.

This Act and recited Act to be read together.

Diseases Prevention (Metropolis).

A

B I L L

To regulate the Removal in hired or public Carriages of Persons labouring under infectious Diseases in the Metropolis.

(*Prepared and brought in by*
Dr. Brady and Sir FitzRoy Kelly.)

Ordered, by The House of Commons, *to be Printed,*
26 *February* 1863.

[Bill 41.]

Under 1 *oz.*

13 *May* 1863. 26 VICT.

A

BILL

TO

Amend the Law relating to District Parochial Churches in Ireland.

Preamble.
14 & 15 Vict. c. 72. s. 16., &c.

WHEREAS it is expedient to amend the Law respecting District Parochial Churches and Chapels erected in Ireland by Funds provided by way of Endowment: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Churchwardens of District Parochial Churches erected under Provisions of recited Act to levy Pew Rents.

1. That whenever a District Parochial Church or Chapel shall be erected within the Boundaries of any City or Corporate Town in Ireland, or within the Distance of   Miles from the Boundaries of such City or Corporate Town, under the Provisions of the Statute passed in the Fourteenth and Fifteenth Years of Her Majesty, intituled "An Act to consolidate and amend the Laws relating to the "Erection and Endowment of Churches and Chapels and Perpetual "Curacies in Ireland," it shall be lawful for the Churchwardens of such District Parish, when duly chosen and appointed according to Law, to contract for, collect, and levy and recover by all proper Means and Proceedings an annual Rent or Rents for the Use of any Pews or Sittings in such Church or Chapel from such Persons as shall be willing to take and occupy the same, so that no such Proceeding shall abate by reason of the Death, Removal, or going out of Office of any such Churchwardens, but may be commenced, prosecuted, and continued in the Official Name of the Churchwardens of such District Church: Provided always, that in every such Church or Chapel erected, appropriated, or endowed under the Provisions of the said Act of Parliament, *One Third* at least of the Sittings shall be set apart as free Sittings for ever.

Application of Pew Rents.

2. It shall and may be lawful for the Churchwardens of any such District Parish Church or Chapel so erected within any City or Town Corporate in Ireland, or within the Distance of Miles from the Boundaries thereof, to apply the Pew Rents so collected or recovered, to the Insurance against Fire of the said Church or Chapel, and to increasing the Stipend, Salary, or Endowment of the Incumbent or Perpetual Curate of such District Parish Church or Chapel, or in defraying such other incidental Charges as may from Time to Time be approved of by Vestry Meetings of such District Parish duly assembled according to Law.

LORDS AMENDMENTS

TO THE

DISTRICT PAROCHIAL CHURCHES (IRELAND) BILL.

Note.—*The Page and Line refer to the Bill* (126.) *as printed by the Lords.*

Page 2.

Line 6. Leave out ("Third") and insert ("Half")

Line 7. After ("ever") insert ("and that such free Sittings " shall, with respect to Position and Convenience, be as advan" tageously situated in the Church or Chapel as the Pews or Sittings " for which a Rent or Rents may be fixed or taken")

LORDS AMENDMENTS

TO THE

DISTRICT PAROCHIAL CHURCHES (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed,*
16 *July* 1863.

[Bill 249.]

Under 1 *oz.*

15 *May* 1863. 26 Vict.

A

BILL

INTITULED

An Act to authorize further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations.

Preamble.
54 G. 3. c. 159.
(29 July 1814.)

WHEREAS an Act, to which the Term The Dockyards Protection Act when herein-after used refers, was passed in the Fifty-fourth Year of King George the Third, (Chapter One hundred and fifty-nine,) "For the better Regulation of "the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, "and navigable Rivers in the United Kingdom, and of His Majesty's "Docks, Dockyards, Arsenals, Wharfs, Moorings, and Stores therein, "and for repealing several Acts made for that Purpose:"

And whereas by the said Act (among other things) Authority was given for the making of Rules, Orders, and Regulations for the Preservation of His Majesty's Moorings, and for the mooring, anchoring, and placing of private Ships and Craft in the Ports, Harbours, Havens, Roadsteads, Sounds, Channels, Creeks, Bays, and navigable Rivers of the United Kingdom, so far as the Tide flows and re-flows, where or near to which His Majesty then had, or where His Majesty, His Heirs or Successors, might thereafter have any Docks, Dockyards, Arsenals, Wharfs, or Mooring for the Purpose of ensuring free and safe Ingress, Egress, and Regress unto, into, and from those Ports and Waters, and to and from His Majesty's Docks and other Property aforesaid therein, and for the ordering and marking out of such Spaces near the same as should be judged necessary to be kept free and open, and for the Appropriation of Mooring Places for His Majesty's Ships, and for the specifying of Distances from His Majesty's Ships, Hulks, Docks, and other Property aforesaid within which no private Ship or Craft should be moored, anchored, or placed, and for the altering from Time to Time of such Rules, Orders, and Regulations as Occasion should require for the Purposes aforesaid; all which Rules, Orders, and Regulations it was thereby enacted should, upon the making thereof, and also whenever altered, be published in the London Gazette, and, being printed and put upon Pasteboard, should be constantly kept hung up in some open and conspicuous Part of the Custom House or other Place of public Resort for Business in the Port, Harbour, or Haven affected:

And whereas in the same Act Provision was also made, by the Imposition of pecuniary Penalties and otherwise, for (among other things) the preventing of private Ships or Craft from being moored, anchored, or placed in the Fairway or Channel or across the Stream in any such Port, Harbour, Haven, or navigable River, so as to obstruct the Passage or Entrance into the same, and for the Removal of private Ships and Craft from prohibited Positions, and for confining the breaming of Ships to particular Parts of the Shore, and for restricting the carrying of Gunpowder and the keeping of Fire on board Ship, and the heating of Pitch or other combustible Matter on board Ship within the specified Distances of His Majesty's Ships, Dockyards, and other Property, and the keeping of shotted Guns and the firing of Guns on board Ship in such Waters as aforesaid:

And whereas it may in some Instances be also desirable, with a view to the better Protection of Her Majesty's Ships and Property in Her Dockyards and Naval Stations, and to the Interests of Her Majesty's Naval Service, that there should be Authority for the making of Rules, Orders, and Regulations in manner directed by the Dockyards Protection Act, for restricting the Speed of Steamers within Harbours under particular Circumstances or in particular Positions, and for enforcing the constant Attendance of Shipkeepers on board Vessels within Harbours near Her Majesty's Dockyards and Naval Stations:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Regulations under Dockyards Pro-

1. Any Rules, Orders, and Regulations from Time to Time made under the Dockyards Protection Act may, where it seems expedient with a view to the better Protection of Her Majesty's Ships, Dockyards, or Property, or to the Requirements of Her Majesty's Naval Service, extend, in addition to the Purposes in that Act mentioned, to the following Purposes, or either of them; namely,

(1.) To prohibit the navigating of Steam Vessels at a greater Speed than Five Nautical Miles an Hour in any specified Part of any Port, Harbour, Haven, or navigable River for which under the Dockyards Protection Act Rules, Orders, and Regulations may be made:

(2.) To require the Presence of at least One Person at all Hours of the Day and Night on board every Ship or Vessel, Lighter, Barge, or other Craft above a specified Size, anchored, moored, or placed in any specified Part of any such Port, Harbour, Haven, or navigable River.

tection Act may, where expedient, include Provisions as to Speed of Steamers and as to Shipkeepers in Harbours.

2. Any such Rules, Orders, and Regulations may impose such reasonable pecuniary Penalties as may seem fit, not exceeding Five Pounds for each Breach thereof, but they shall be so framed as to allow the Justices or other Authority before whom any such Penalty is sought to be recovered to order Part only of the Penalty to be paid.

Reasonable pecuniary Penalties may be imposed.

3. Every such Penalty shall be recoverable and applicable as pecuniary Penalties under the Dockyards Protection Act, and any Act amending the same, are recoverable and applicable. The Provisions of the Dockyards Protection Act respecting the Indemnity of Persons acting in pursuance thereof shall apply to Persons acting in pursuance of Rules, Orders, and Regulations made under the Authority of this Act; and generally, as far as may be, this Act shall be construed together with the Dockyards Protection Act, and any Act amending the same, as One Act.

Penalties to be recoverable under and this Act to be construed together with Dockyards Protection Act.

Dockyards Protection Act Amendment.

A

BILL

INTITULED

An Act to authorize further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations.

(*Brought from the Lords* 28 *April* 1863.)

Ordered, by The House of Commons, *to be Printed,*
15 *May* 1863.

[Bill 130.]

Under 1 *oz.*

17 *June* 1863. 26 Vict.

A

BILL

FOR

The Protection of young Persons under the Age of Sixteen Years engaged as Domestic Servants and Apprentices.

Preamble.

WHEREAS it is expedient that the Act of the Fourteenth and Fifteenth Victoria, Chapter Eleven, intituled " An Act " for the better Protection of Persons under the Care and " Control of others as Apprentices or Servants, and to enable the " Guardians and Overseers of the Poor to institute and conduct " Prosecutions in certain Cases," should be extended so as to apply, as far as practicable, to all young Persons under the Age of Sixteen Years engaged as Domestic Servants or Apprentices, and that the Powers and Provisions of the said Act should be further extended and enlarged: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons hiring young Persons under the Age of Sixteen to send Information of the Fact

1. From and after the *passing of this Act* every Person hiring or engaging as a Domestic Servant or Apprentice any young Person under the Age of Sixteen shall, within *Forty-eight* Hours after the Time of such Hiring or Engagement, give Information in Writing of such Hiring or Engagement to the Relieving Officer of the Parish in which the Person so hiring or engaging shall be residing at that Time,

or

to Relieving Officer of their Parish.

or where there is no Relieving Officer, then to the Guardians of or Overseers of such Parish, and in default thereof shall be liable to a Penalty not exceeding *Fifty Shillings*, or to Imprisonment for any Period not exceeding *Ten* Days.

Register to be kept of young Persons hired.

2. The Name of every young Person under the Age of *Sixteen* hired or engaged as aforesaid, together with the several Particulars specified in the Schedule to the said recited Act annexed, shall be entered by the Guardians of every Union and of every separate Parish under the Management of a Board of Guardians, and the Overseers of every Parish not in Union or under the Management of a Board of Guardians, in the Book or Books directed by the Third Section of the said recited Act to be kept, and signed in manner therein provided.

Provisions in case of Orphans and deserted Children.

3. Wherever it shall appear that any young Person under the Age of *Sixteen*, hired or engaged as aforesaid, is an Orphan, or has been deserted by his or her Parents or nearest surviving Relations, the Guardians of any Union, or the Guardians or Overseers of any Parish, shall, so long as such young Person shall be under the Age of Sixteen and shall remain in Service or Apprenticeship within such Union or Parish, as the Case may be, cause the Relieving Officer, or where there is no Relieving Officer, then some other Officer duly authorized for the Purpose, to visit such young Person at least *twice* in every Year, and to report to them in Writing whether he has found Reason to believe that such young Person is not supplied with necessary Food, or is subjected to cruel or illegal Treatment in any respect, together with the several other Particulars specified in the Schedule hereunto annexed.

Provision for Return of Particulars as to young Persons hired from Workhouses, or bound out as Pauper Apprentices.

4. A Return of the said several other Particulars shall also be made in respect of all young Persons hired or taken as Servants from the Workhouse of any Union or Parish, or bound out as an Apprentice by the Guardians of any Union, or the Guardians or Overseers of any Parish, visited by the Relieving Officer, or other Officer duly authorized for the Purpose, in pursuance of the Provision to that Effect contained in the Fourth Section of the said recited Act, in addition to and as Part of the Report thereby directed to be made by such Relieving Officer or other Officer duly authorized.

Extending certain Enactments and Provisions of recited Act to this Act.

5. The said recited Act, excepting the Third, Fourth, and Fifth Sections thereof, shall be read and construed together with this Act as One Act, and the whole Enactments and Provisions thereof may and shall be enforced and applied, mutatis mutandis, in all respects as if the same had been specially re-enacted herewith.

Short Title.

6. This Act may be cited for all Purposes whatever as "The "Protection of young Servants and Apprentices Act, 1863."

SCHE-

SCHEDULE.

FORM OF RETURN.

Name.	Age.	Terms of Engagement, and whether Clothing included.	Nature of Sleeping Accommodation.	Whether sufficient and proper Food supplied.	Whether maltreated or not.

Domestic Servants and Apprentices Protection.

A

BILL

For the Protection of young Persons under the Age of Sixteen Years engaged as Domestic Servants and Apprentices.

(Prepared and brought in by
Viscount Raynham and Mr. Beamish.)

Ordered, by The House of Commons, *to be Printed,*
17 *June* 1863.

[Bill 168.]

Under 1 *oz.*

5 *May* 1863. 26 Vict.

A

BILL

TO

Enable Landed Proprietors to construct Works for the Drainage and Improvement of Land in Ireland.

Preamble.

WHEREAS it is expedient that the Proprietors of Lands in Ireland should be enabled to construct and maintain Works for Drainage and other Improvement of their Lands: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited for all Purposes as "The Drainage and Improvement of Lands Act (Ireland), 1863."

Act to apply to Ireland only.

2. This Act shall extend to Ireland only.

Definition of Terms.

3. "Watercourse" shall include all Rivers, Streams, Drains, Sewers, and Passages through which Water flows:

"Person" shall include any Body of Persons, corporate or unincorporate, unless there is something in the Context inconsistent therewith:

"Commissioners" shall mean Her Majesty's Commissioners of Public Works in Ireland for the Time being:

"Owner," as used throughout this Act, shall have the same Meaning as it has in "The Lands Clauses Consolidation Act, 1845:"

In the Construction of this Act the Word "District" shall mean and include the Lands mentioned and described or referred to in the Maps or Plans and Schedules as approved of by the Commissioners of Public Works:

"Land" shall extend to all Arable, Pasture, or otherwise profitable, and to all waste uncultivated Land, and shall also extend to Messuages, Tenements, Mills, Weirs, Easements, Fisheries, and other Hereditaments, corporeal or incorporeal, and any Estate or Interest therein, and any undivided Part thereof, or any of them:

"Petitioners" shall mean those who shall petition for the Purpose of putting this Act into execution.

PART I.

ELECTIVE DRAINAGE DISTRICTS.

Constitution of elective Drainage Districts.

4. Any Person or Persons interested in any Land liable to be flooded or injured by Water, or the Drainage whereof may be capable of being improved, may, with the Consent of the Commissioners of Public Works, as herein-after mentioned, constitute such Land, or other Area of Land, a separate Drainage District.

Commissioners to be a Body Corporate.

5. The "Commissioners" for the Purpose of this Act shall be a Body Corporate and possess a Common Seal.

Mode of constituting elective Drainage District.

6. The following Proceedings shall be taken for the Purpose of obtaining the Sanction and Order of the Commissioners of Public Works:

(1.) A Petition shall be presented to them, stating the proposed Boundaries of the District, by reference to a Map, or in such other Manner as they shall think expedient, and also stating the Exigencies which render the Formation of such Drainage District necessary: It shall be signed by the Petitioners, and shall be accompanied by proper Schedules, Maps, Plans, and Sections showing the Drainage Works proposed to be executed within such District, including therein all Works necessary for any Outfall, and showing the Land to be drained or improved by such Drainage, and showing in One or more of such Schedules the reputed Proprietors and Occupiers thereof, and the Lands or other Property required to be taken for or likely to be injured by the proposed Works or the making of any Outfall,

fall, and the reputed Proprietors and Occupiers thereof, and showing, so far as may be possible, the Line, Course, and Situation of the Streams, Watercourses, Drains, Rivers, and Lakes intended to be cleared, scoured, or embanked, and the requisite Variations, Diversions, Abridgments, or Enlargements of the same, and the Direction and Extent of any new Drains, Watercourses, or Works necessary to be made, and the Land in and through which the same are to be made; and such Petition shall also be accompanied by an Estimate of the Expense of the proposed Works, including in such Estimate the probable Amount of Money payable as Compensation in respect of any Injury likely to be occasioned by such Works, or for the Purchase of any Land, Houses, Fisheries, Weirs, Mills, or other Property required to be taken or purchased for the Purpose of such Works, and other miscellaneous Expenses likely to be incurred; and such Schedules shall also set forth the then actual Value of the Land to be drained or improved by Drainage by the proposed Works, so far as the Petitioners shall be able to ascertain the same, and the probable Increase in such Value by the proposed Works; and such actual Value and estimated Increase shall be stated in the said Schedules, and also the Proportions in which such Lands should contribute towards the Payment of the Costs of the proposed Works, specifying such Proportions in the Ratio of the estimated Increase in the Value of such Lands; and the said Petitioners shall cause to be made Copies of the said Schedules, Maps, Plans, Sections, and Estimate, and shall cause such Copies to be deposited in such convenient Place or Places as the said Petitioners shall think proper, within or in the immediate Vicinity of the District in which such Land or the River or Part of a River shall be situate, there to remain open for public Inspection at all reasonable Times for *Three* successive Weeks; and all Persons shall be at liberty to inspect or make Copies of or Extracts from the said Schedules, Maps, Plans, Sections, and Estimate, and Copies thereof or Extracts therefrom shall be made for any Person who shall require the same, on Payment of the Costs of making such Copies or Extracts:

And the said Petitioners shall cause a Notice, stating the Place or Places in which Copies of the said Schedules, Maps, Plans, Sections, and Estimate have been deposited as aforesaid, to be published in some Newspaper usually circulated in the District in which the Land or River, or Part of a River, proposed to be drained or improved shall be situated, or in the immediate Vicinity thereof; and in all Cases where it shall be proposed to take or remove any Mill or Factory, or to lower, raise, or modify any Weir, Dam, or other Work or Obstruction connected with any Mill or Factory, a Copy of such Notice shall be served on the Owner, Lessee, or Occupier, or Person in charge of such Mill or Factory, or posted on the Door or Wall thereof; and by such Notice all Parties interested shall be required, on or before a Day to be therein named, not sooner than *Three* Weeks from such Publication and Posting or Service as aforesaid of such Notice, to transmit to the said Petitioners their Objections, if any, to the said Schedules, Maps, Plans, Sections, and Estimate, and all other Objections which such Parties shall think fit to make with respect to anything proposed to be done under the Provisions of this Act; and the Petitioners shall by the same Notice specify their Intention of having an Inspector sent to the District, before whom all Persons interested in the proposed Works, or having any Objection thereto, shall be required to appear, at a Time and Place to be fixed by such Notice:

(2.) After the Expiration of the Period mentioned in such Notice for sending in Objections, the said Commissioners shall send an Officer, as an Inspector, to the District, for the Purpose of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto; and they shall deliver to such Inspector the Schedules, Maps, Plans, Sections, and Estimate which shall have been deposited with them under the Provisions herein-before contained:

(3.) The Inspector shall proceed to the District, and make all necessary Inquiries with respect to the Propriety of constituting such District, and also with respect to the Area of Land to be comprised therein: And such Inspector shall, at the Time and Place named in such Notice as aforesaid, attend, and shall have Power to adjourn from Time to Time, or hold such new Meeting as he may find necessary, and shall inquire into the Correctness of the Schedules containing the Names of such Proprietors and Occupiers as aforesaid, and shall hear all such Objections as shall have been or shall then be made by any Person or Persons interested in the said Lands or River, or any Person on his or their Behalf, as to any Omission or Misdescription in such Schedules, or any Name improperly inserted therein, and shall hear all such other pertinent Objections as shall have been or shall be then and there made by such Person or Persons to the Schedules, Maps, Plans, Sections, and Estimate which shall have been made under the Provisions herein-before contained; and the said Inspector shall also hear and inquire, on Oath (which he is hereby authorized to administer)

minister) or otherwise, into all such Objections by any of the Persons aforesaid to the said proposed Works, as shall have been or shall then and there be made, and also all Objections to the stated Value of the Land, or to the stated probable Increase in such Value, as the same shall have been respectively set forth in the said Schedules, and also into all such Objections as shall have been made, or shall then and there be made, by or on behalf of the Owner, Lessee, or Occupier, or other Person interested in any Mill or Factory likely to be affected by anything proposed to be done in such District under any of the Provisions of this Act, and after having considered all such Objections as aforesaid he shall cause such Alterations (if any) as he may deem expedient to be made in the said Schedules, Maps, Plans, Sections, and Estimate, and shall sign the same; and such Schedules, Maps, Plans, Sections, and Estimate so signed by the said Inspector shall be preserved by the said Commissioners in their Office in Dublin; and a Copy thereof shall be deposited by the Petitioners with the Clerk of the Peace of each County wherein such Works are proposed to be executed, and shall be open to public Inspection at all reasonable Times on Payment of a Fee of *One Shilling:*

(4.) The Inspector shall report the Result of his Inquiries to the Commissioners, and they may, if satisfied with the Propriety of constituting the District, and that the Proprietors of *Two Third* Parts in Value of such Land in the proposed District are in favour thereof, and have assented thereto in Writing, make an Order under their Seal declaring the Area in such Order mentioned or referred to, to be a Drainage District; provided that no such Order shall be made authorizing a Drainage Board to remove or injuriously interfere with any Millrace, Milldam, Weir, or other like Obstruction, whereby the Level of Water is raised for Milling or other Purpose of Profit, unless, upon the Report of their Inspector, they shall be satisfied that any Injury that may be caused thereby is of a Nature to admit of being fully compensated for by a reasonable Sum of Money:

(5.) Notice of the Order shall be published by the Petitioners in the Dublin Gazette and in some Newspaper circulating in the District to which it relates, and Copies thereof shall be served in such Manner and upon such Persons as the Commissioners may require:

(6.) No Petition for constituting a District under this Act shall be entertained until the Petitioners have given such Security for Costs, by Deposit of such Sum of Money as the said Commissioners shall require; and in the event of a Drainage District not being constituted in pursuance of such Petition, the Petitioners shall pay all Costs, Charges, and Expenses, including the Expense incurred by reason of the presenting of the Petition, and of the Appointment of such Inspector; but in the event of the Drainage District being constituted, such Costs, Charges, and Expenses shall be deemed to be Expenses incidental to the Execution of the Works, and shall be defrayed accordingly out of the Monies to be raised by virtue of this Act; and such Order shall, by reference to Maps or otherwise, as the Commissioners may think proper, state the Lands proposed to be purchased for the proposed Works, subject to such Alterations and Deviations therefrom as the Commissioners may thereafter sanction, and such Order shall also limit the Time within which the Works in any such District shall be completed, and state the several Matters or Things herein-after mentioned, and the Commissioners may also state in such Order such other Matters and Things as they may think proper, according to the Circumstances of each particular Case.

Evidence of Constitution of District.

7. The making of such Order shall be conclusive Evidence that all the Requirements of this Act in respect of Proceedings required to be taken previously to the making of such Order have been complied with.

It may be lawful for the said Commissioners, upon sufficient Ground being laid before them, to extend the Time by any such Order limited for the Completion of any such proposed Works to such further Period, not exceeding *Three* Years, as may by the said Commissioners be deemed right, also to sanction within such extended Time the Purchase of such additional Land as may from Time to Time appear necessary for the Execution of the proposed Works.

Definition of Proprietor.

8. The Definition of the term Proprietor contained in the Act of Parliament of the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, shall apply to this Act, and the Twenty-third, Twenty-fifth, Twenty-sixth, and Twenty-eighth Sections of the said last-mentioned Act shall be deemed to be incorporated in this Act.

Provision as to Proprietorship by Corporations and Companies.

9. Where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, is Proprietor of any Land, such Corporation, Company, Body of Proprietors or Undertakers respectively shall be deemed to be *One* Proprietor for the Purpose of giving an Assent or Dissent under this Act, and may express their Assent or Dissent in Writing under their Common Seal in the Case of a Corporation, and in any other Case under the Hands of

Three Directors or other Persons in the Direction or Management of the Company or Concern; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, shall be entitled to dissent individually as a Proprietor in respect of such Land.

Provision in case of no Proprietor.

10. When any Portion of Land comprised within the Boundaries referred to in any such Petition as is herein-before mentioned appears to have no Proprietor within the Meaning of this Act, or the Proprietor cannot be found, the Land so circumstanced shall be altogether excluded in any Computation that may be made of the Proportion borne by the dissenting Proprietors of any Area of Land, as herein-before provided, to the aggregate Value of such Land.

Powers of Inspector.

11. Any Inspector sent by the Commissioners in pursuance of this Act may, by himself and his Servants, enter upon any Lands in order to obtain Information upon any of the Matters aforesaid, and may do all such Things as to him shall seem expedient and necessary for the Purposes of his Inspection and Report, making reasonable Compensation for any Injury which may be done by him or his Servants, and he may also, by Summons under his Hand, require to appear before him, at some convenient Place within or near the proposed District, any Persons whomsoever, and examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Officer of or acting under any Corporation or Guardians of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control, touching any Matter relating to the Purposes of such Inquiry; and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever refuses to permit any such Inspector or his Servants to do any of the Matters aforesaid, or wilfully disturbs or interferes with him or them in the course of their Inspection, or wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding *Five Pounds* for every such Offence, to be recovered in a summary Manner before Two Justices of the Peace sitting at Petty Sessions in any District within the Jurisdiction of which any of the Lands in the proposed Drainage District are situate; but no Person shall be required to attend before the

Inspector in obedience to any Summons unless the reasonable Charges of his Attendance have been paid or tendered to him.

Constitution of Drainage Boards.

12. After the Constitution of a District the Execution of the Works necessary in the said District shall be vested in a Board, herein-after called a Drainage Board, and such Board shall be a Body Corporate, with perpetual Succession and a Common Seal, having Capacity to hold Lands for all the Purposes of their Constitution.

Regulations as to Drainage Boards.

13. Subject to any Provisions to the contrary that may be made by the Order constituting the District, the following Regulations shall be made with respect to Drainage Boards:

(1.) The Members of the First Drainage Board shall be named by the Commissioners in the Order constituting the Drainage District, and such Order shall fix the Number of which the Board is to consist, the Mode of summoning the First Meeting of the Board, the Qualification of subsequent Members of the Board, and the Time at which the first and subsequently appointed Members of the Board are to vacate their Offices, such Time not being later than the End of the Month of *September* in the Year following that in which such Order is made:

(2.) The Members of every Board succeeding the First Board shall vacate their Offices on the First Thursday in *September* in each succeeding Year, or on such other Day as may be prescribed by the Board:

(3.) The Offices of vacating Members shall be filled up by an equal Number of qualified Persons, to be elected as herein-after mentioned:

(4.) Every Member of a Drainage Board going out of Office shall be re-eligible; and if at any Time when an Election of Members ought to take place, the Places of any retiring Members are not filled up, the retiring Members whose Places are not filled up shall continue in Office until the succeeding Year:

(5.) Any casual Vacancy occurring in the Board may be filled up by the Board; but any Person so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(6.) During any Vacancy in the Board the continuing Members shall act as if such Vacancy had not occurred:

(7.) Any Person who acts as Member of a Drainage Board without being qualified as required by the Order of the Commissioners, shall incur a Penalty not exceeding *Fifty Pounds;* and in any Proceeding for the Recovery of such Penalty the Burden of proving Qualification shall be upon the Person against whom such Proceeding is taken:

(8.) All Acts done by any Meeting of a Drainage Board, or of any Committee of a Drainage Board, or by any Person acting as a Member of a Drainage Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Board or Person acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

Rules to be observed with respect to Electors of Drainage Boards.

14. Subject to any Provisions to the contrary that may be made by the Order constituting the District, the following Rules shall be observed with respect to the Electors of Drainage Boards:

(1.) The Electors for Members of a Drainage Board for any District shall be the Proprietors of Lands within such District:

(2.) Each Elector shall vote according to the following Scale; that is to say,

If his Property within such District shall be of an annual Value of less than *Fifty* Pounds, he shall have *One* Vote:

If such annual Value amount to *Fifty* Pounds and be less than *One hundred* Pounds, he shall have *Two* Votes:

If it amount to *One hundred* Pounds and be less than *One hundred and fifty* Pounds, he shall have *Three* Votes:

If it amount to *One hundred and fifty* Pounds and be less than *Two hundred* Pounds, he shall have *Four* Votes:

If it amount to *Two hundred* Pounds and be less than *Two hundred and fifty* Pounds, he shall have *Five* Votes:

If it amount to *Two hundred and fifty* Pounds and less than *Five hundred* Pounds he shall have *Six* Votes:

If it amount to *Five hundred* Pounds and be less than *One thousand* Pounds, he shall have *Eight* Votes:

If it amount to or exceed *One thousand* Pounds, he shall have *Ten* Votes.

How Value is to be ascertained.

15. For the Purposes of ascertaining the annual Value in the last preceding Section mentioned, and also for the Purposes of ascertaining the Proportions of assenting or dissenting Proprietors under any of the Provisions of this Act, and also for the Purposes of the final Award to be made as herein-after mentioned, the Schedules of Value of the Lands deposited with the Commissioners before the Constitution of the District, and signed by the Inspector, under the Provisions herein-before contained, shall be binding upon all Persons concerned.

Mode of Election of Drainage Boards, and Proceedings thereof.

16. Subject to any Provisions to the contrary that may be made by the Order constituting the District, the Mode of electing Members of Drainage Boards, and the Proceedings of Drainage Boards, shall be conducted in manner directed by the Schedule annexed hereto.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated.

17. The Provisions of the Commissioners Clauses Act, 1847, with respect to,—

(1.) The Contracts to be entered into and Deeds to be executed by the Commissioners;

(2.) The Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;

(3.) The Appointment and Accountability of Officers of the Commissioners;

(4.) The Accounts to be kept by the Commissioners;

(5.) The giving Notices and Orders;

shall apply to the Drainage Boards, and shall be incorporated with this Act; and in the Construction of this Act and the said incorporated Provisions, this Act and the Order constituting the Drainage District shall together constitute the "Special Act."

GENERAL POWERS OF DRAINAGE BOARDS.

Power to execute the Works.

18. It shall be lawful for the said Drainage Board to contract with or employ such Contractors, Surveyors, Agents, and Workmen as they shall think fit, and to make and execute all such Works as shall be described in the Maps, Plans, and Sections herein-before mentioned, or such Deviations therefrom, or such other Works as the Commissioners shall from Time to Time deem necessary for effecting all or any of the Purposes of this Act; and for such Purposes to enter into and upon any Land whatsoever, and to widen, straighten, deepen, divert, scour, or cleanse any River, Stream, Drain, Brook, Pool, or Watercourse running through such Land, and to make, open, and cut in or upon the same any new Watercourse, Side Cut, Ditch, or Drain, and to alter or remove any Bank, Sluice, Flood Gate, Drain, or Tunnel, and to make or erect any Bank, Sluice, Flood Gate, Drain, Tunnel, or other Works necessary for Drainage, and to dam, bar, and stop up with any Weir or Dam, any River, Brook, Pool, Stream, or Watercourse, and also to make upon such Land any Embankment against the Sea, or any Lake, River, Stream, or Watercourse, and to put and place on such Land any Piles, Stones, Earth, Soil, or other Materials for the Purposes of the Works, or for the more effectual Protection or Defence of such Land, or for the better conveying the Waters from the said Land into the Sea, or into any River, Lake, Stream, or Watercourse, and also to form any Dam, and to erect any Sluice, Hatch, or Lock, in any River, Lake, Stream, or Watercourse, for the Purpose of supplying Water to any Mill or Factory, or of keeping back a Sufficiency of Water for the Use of Cattle, or for the Irrigation or Warping of Lands where such Irrigation or Warping shall be wanted, and shall be a beneficial Manurance to such Lands, and also to stop up or divert any Road or remove any Bridge, and to make any new Road or Bridge, and also from Time to Time to repair, alter, or remove any Sluice, Flood Gate, Hatch, Tunnel, Road, or other Works now made or to be made as aforesaid, and to divert, deepen, widen, cleanse, and scour any Ditch, Drain, Watercourse, or Side Cut now existing or to be made as aforesaid, and also to do all such Things and execute all such Works as may be necessary or convenient for the Purposes of this Act, and be sanctioned by the Commissioners, making Compensation, to be ascertained in the Manner herein-after mentioned, to all Persons for any Damage occasioned to them by the Exercise of any such Powers.

Powers enabling Drainage Board to carry on Works.

19. In order to enable the said Drainage Board to carry on and construct and maintain the said Undertaking and Works, there shall be incorporated with this Act the several Sections of the several Acts of Parliament next herein-after mentioned; viz., the Thirtieth, Forty-sixth, Fiftieth, Fifty-fifth, Fifty-sixth, Fifty-ninth, Sixty-first, Sixty-second, Sixty-third, and Sixty-fourth Sections of the Act Fifth and Sixth Victoria, Chapter Eighty-nine, and the Twenty-eighth, Twenty-ninth, and Thirty-first Sections of the Act Sixteenth and Seventeenth Victoria, Chapter One hundred and thirty; and every Power, Authority, and Privilege by the said several Sections of the said Acts respectively conferred upon the Commissioners of Public Works in Ireland, shall be deemed and taken to be conferred on such Drainage Board as aforesaid to all Intents and Purposes whatsoever; and the said Drainage Board, and every other Person or Persons shall be entitled to all Rights and Benefits conferred, and subject to all Liabilities imposed by the said several Sections of the said last-mentioned Acts of Parliament, in like Manner in all respects as if the said Sections had been re-enacted by this Act, as far as the Difference of Circumstances will admit.

Power to purchase Lands.

20. It shall be lawful for the Drainage Board to contract for and purchase any Lands, Mills, and Water Power which may, with the Sanction of the Commissioners, be thought necessary or proper to purchase for accomplishing any of the Purposes of this Act, making such reasonable Satisfaction and Recompense to the Persons entitled to or interested in such Lands as shall be agreed upon or otherwise settled and ascertained in manner herein-after provided.

21. All

Lands Clauses Consolidation Act incorporated.

21. All the Clauses and Provisions contained in the Land Clauses Consolidation Act, 1845, relating to the taking of Lands belonging to Persons under Disability, or to the Application of Monies payable in respect of the Purchase of such Lands, or as Compensation for Injuries to the same, shall be deemed to be incorporated in this Act.

Drainage Board to have same Powers as a Railway Company.

22. The said Drainage Board, with respect to the Acquisition and Transfer of all such Lands as under this Act they may be enabled to take, and with respect to the Purchase Monies or Compensation payable for the same, shall possess all such Powers and Privileges, and be subject to all such Liabilities, Costs, Charges, and Expenses, as any Railway Company in Ireland would possess or be subject to under the Provisions of the said last-mentioned Act, or of any Act amending or varying the Provisions of the same.

Commissioners of Public Works to appoint an Arbitrator on Application of Drainage Board.

23. After the Constitution of a District under the Provisions of this Act, it shall be lawful for the Commissioners, upon the Application of the Drainage Board, from Time to Time, as Occasion may require, to appoint an Arbitrator between the Drainage Board and the Persons whose Lands are proposed to be taken or injuriously affected by the proposed Works, to which the Plans and Estimates, deposited as herein-before provided, relate.

Arbitrator may call for Documents and administer Oaths.

24. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Drainage Board, or of any Party making any Claim under the Provisions of this Act, which such Arbitrator may think necessary for determining any Question or Matter to be determined by him, and may examine any such Party and his Witnesses, and the Witnesses for the Drainage Board, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator to make and subscribe Declaration.

25. Before any Arbitrator shall enter upon any Inquiry, he shall, in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

> ‘I *A.B.* do solemnly and sincerely declare, that I will faithfully
> ‘ and honestly, and to the best of my Skill and Ability, hear and
> ‘ determine the Matters referred to me under the Provisions of the
> ‘ Act [*naming this Act*].
>
> ‘*A.B.*
>
> ‘Made and subscribed in the Presence of ’

And such Declaration shall be annexed to the Award when made; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

26. Upon

Proceedings to ascertain Purchase Money and Compensation for Injuries.

26. Upon the First Appointment of such Arbitrator, the Schedules, Maps, Plans, and Sections which have been deposited with the Commissioners as aforesaid, or Copies thereof, shall be delivered to him by the Commissioners; and thereupon the Drainage Board shall take the same Steps with respect to publishing of Notices in all respects as are required by the Railways Act (Ireland), 1851, and the Railways Act (Ireland), 1860, to be taken by a Railway Company upon the Appointment of an Arbitrator under those Acts, and the same Proceedings shall be thereupon taken by such Arbitrator and Drainage Board respectively as are by the said Acts required to be taken in the Case of Lands to be taken or Works to be done by a Railway Company under the said Acts; and the Arbitrator shall decide upon the Purchase Money to be paid by the Drainage Board for any Lands to be taken, and also upon the Compensation to be paid for injuriously affecting any Estate or Interest of any Person or Persons in any Lands by reason of the Execution of the proposed Works, and also upon the Accommodation Works, if any, to be executed by the Drainage Board; and such Compensation shall be ascertained, and the Amount thereof, when ascertained, shall be paid and recoverable in the same Manner and subject to the same Restrictions and Conditions in all respects, and to the same Right of Traverse, as is by the said Acts provided in the Case of the Purchase Money and Compensation for Lands taken or injuriously affected by the Works proposed to be made by any Railway Company; and every Award to be made under the Provisions of this Act shall be subject to the same Provisions as are in the said recited Acts contained with reference to Awards under the said Acts.

Provisions of Railways Acts (Ireland), 1851 and 1860, as to Ascertainment of Claims, incorporated.

27. For the Purposes mentioned in the last Section, the Railways Act (Ireland), 1851, and Railways Act (Ireland), 1860, shall be incorporated with this Act; and in the Interpretation of those Acts and of the said Lands Clauses Consolidation Act, 1845,—

The Expression "the Special Act," used in the said Acts, shall be taken to mean or apply to the Order sanctioning the Purchase of Lands and the Execution of Works by the Drainage Board:

The Expression "the Railway," used in the said Acts, shall be taken to mean or apply to the Works proposed to be executed by the Drainage Board:

The Expression "the Company," used in the said Acts, shall be taken to mean the Drainage Board, who shall have obtained an Order sanctioning the Purchase of Lands and the Execution of Works in manner aforesaid.

Assessment of Compensation to Millowners.

28. The Arbitrator under this Act, and also the Jury which shall try any Traverse under this Act, shall have regard, in Cases of Mills or Factories, to any Benefit resulting or which may result from any Improvement which shall be effected by the Execution of the Works in the Water Power or Constancy of Supply of Water to such Mill or Factory, or by Relief from Back Water afforded to it; and every Arbitrator and Jury to whom any Question shall be referred under this Act shall set off such Benefit or estimated Benefit against the Sum or Sums which shall be assessed by him or them for Purchase Money or Compensation by reason of the Execution of the Works.

Provision for Payment of Expenses of Commissioners.

29. The Salary or Remuneration, travelling and other Expenses, of any Arbitrator appointed for any of the Purposes of this Act, and all Costs, Charges, and Expenses (if any) which shall be incurred by the said Commissioners in the Exercise of the Powers vested in them under this Act, shall be paid by the Drainage Board; and it shall be lawful for the Commissioners from Time to Time to require the Drainage Board to advance to the Commissioners any Sum or Sums of Money which may be required, or give other Security for the Payment of any such Costs, Charges, and Expenses; and the Amount of all such Costs, Charges, and Expenses shall be included in and form Part of the Expenses incidental to the Execution of the Works in the District in relation to which such Expenses shall be incurred, and shall be discharged accordingly.

Arbitrator may direct by whom Costs to be paid.

30. It shall be lawful for the Arbitrator, where he thinks fit, to adjudicate by whom the Costs of such Arbitration shall be borne, and to certify the Amount of the Costs properly payable to the Party entitled thereto in relation to the Arbitration, and the Amount of the Costs so certified shall be paid by the Drainage Board or the Claimant, as the said Arbitrator may award.

After Publication of final Notice, Drainage Board may commence the Works.

31. At any Time after the making of an Award by the said Arbitrator, and the Payment of the Purchase Money and Compensation thereunder, as herein-before provided, the Drainage Board may commence and proceed with the Works proposed to be executed for the Drainage or Improvement of the Land to which the Plans, Sections, and Estimates deposited with the Commissioners of Public Works may relate.

Remedy by summary Application to the Court of Chancery, in the event of Drainage

32. Any Person interested in any Mill or Factory permanently affected or proposed to be permanently affected by anything done or proposed to be done under the Provisions of this Act, may apply by a Petition in a summary Way to the Court of Chancery in Ireland, complaining that the due Amount of Water Power has not been properly secured to or for such Mill or Factory, or that any Act has been done or threatened or proposed to be done by any Drainage Board, or by any Person acting or pretending to act under the Provisions of this Act, by which permanent Injury has been or may be sustained by such Mill or Factory, or by such Person so interested in respect thereof, and whether the Act complained of has been authorized by this Act or otherwise, and thereupon such Court shall make such Order directing such Proceedings as shall seem proper before One of the Masters of such Court in relation to the Matter of the said Petition; and upon the Report of such Master it shall be lawful for such Court to direct such Works to be made by such Drainage Board as to such Court of Chancery shall seem necessary or proper, and to make from Time to Time such further or other Order, whether for Compensation to any Party interested in such Mill or Factory, or for restraining the Drainage Board or any other Person from doing any Act, or otherwise, as to such Court shall seem just, and to issue any Writ or Writs of Injunction for any of the Purposes aforesaid for which the same may be required; and such Court shall have Power to award Costs to either Party: Provided always, that such Petition shall be presented within *Six* Months after the Act complained of.

Boards failing to secure the due Amount of Water Power to the Owner of any Mill or Factory.

33. Save as lastly herein-before provided, no Person shall be entitled to proceed at Law or in Equity for or in respect of any Compensation or Damages which he shall be entitled to by reason of any Works proposed to be executed by any Drainage Board, but the Right to such Compensation or Damages and the Amount thereof shall be ascertained in the Manner herein-before provided, and not otherwise.

Compensation to be ascertained as before provided.

EXISTING LIABILITIES.

34. The Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer or Drain, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea or of any River, or doing any other Work within the Jurisdiction of a Drainage Board, shall continue, and the same may be enforced as if this Act had not passed.

Saving of existing Liabilities to repair.

35. It shall and may be lawful for Drainage Boards under this Act, from Time to Time as Occasion shall require, to contribute amongst themselves, or to borrow and take up at Interest of and from any Person who shall be willing to advance and lend the same, any Sum or Sums of Money required for defraying the Costs, Charges, and Expenses incurred or to be incurred by them in the Execution

Drainage Boards may borrow Money for the Purposes of this Act.

Execution of any Works for the Drainage or Improvement of any Land, or otherwise, under or by virtue of this Act, and to include in such Loan Interest upon the Principal Sum which may be agreed to be paid during the Interval between such Loan and the making of the final Award relative to the Works for which such Loan may have been contracted; and the Repayment of such Sum or Sums of Money, with Interest at a Rate not exeeeding *Five Pounds* per Centum per Annum, shall be secured to the Party lending the same upon the Monies accruing to the Drainage Board under or by virtue of the Award to be made as herein-after mentioned.

Drainage Boards to grant Debentures to Lenders for Principal and Interest.

36. In all Cases of Monies to be contributed or borrowed and taken up at Interest by Drainage Boards under the Provisions of this Act, it shall and may be lawful for the Drainage Boards from Time to Time to grant a Security in the Form of Debenture for such Monies, under their Common Seals, to every Person who shall advance any Sum of Money for the Purposes of this Act, every such Debenture being numbered in the Order of its Execution by the Drainage Boards, and setting forth the Amount of the Sum for which each such Debenture is issued, and the Rate of Interest payable for the same, and the Period to expire before the same shall upon Notice become payable, with a Reference to the Land for the Drainage or Improvement of which or other Work for the Construction of which such Sum shall have been so borrowed or taken up, and the District within which the same or any of them may be situate; and that every such Debenture shall be made in the following Words, or as near thereto as the Circumstances of the Case will admit:

Form of Debenture.

‘ No.

‘ Debenture to Lender of Money.

‘ Amount £

‘ 26th Victoria, c.

‘ Drainage District, Ireland, in the County of No.

‘ BY virtue of an Act passed in the Twenty-sixth Year of ‘ the Reign of Her Majesty Queen Victoria, intituled “ The ‘ Arterial Drainage Act (Ireland), 1863,” the Drainage Board of ‘ the District, in consideration of the Sum of Sterling ‘ to them lent and paid by , doth hereby certify, and it is ‘ hereby witnessed, that the Monies to become payable to the said ‘ Drainage Board under their final Award, for and in respect of the ‘ Drainage, Improvement, and other Works in the District of ‘ in the County of particularly mentioned, described, and ‘ referred to in the Maps, Plans, Schedules, and Estimates deposited ‘ with the Commissioners of Public Works in Ireland, pursuant to the ‘ said Act, are hereby charged with the Repayment of said Sum of ‘ , such Repayment to be made to the said 'or other the Person entitled thereto in One Payment, at such Time 'after the Expiration of Years from the Date hereof as may 'be appointed by the said Drainage Board, pursuant to Notice to be 'given for that Purpose, with Interest at and after the Rate of 'per Centum per Annum, such Interest to commence and to be computed from the Day of the Date hereof, and be payable half-yearly, 'on each *First Day of January* and *First Day of July*, until the Principal Sum shall be repaid or be repayable, pursuant to Notice, as 'aforesaid, which Sum so lent and advanced by the said was 'taken up and borrowed by the said Drainage Board for the Purposes 'of said Act.

'In witness whereof the said Drainage Board have hereunto affixed 'their Common Seal this Day of .'

Entered Common Seal.

Debentures may be transferred.

And the Monies mentioned in each such Debenture, with the Interest thereon, shall be charged upon and repayable and paid by the said Drainage Board out of the Monies which shall come to their Hands under the final Award to be made in respect of the Lands or District for or in respect of which such Monies shall have been borrowed; and any such Debenture may be transferred by any Instrument of Transfer or Assignment endorsed thereon; and all Persons to whom such Securities shall be so given, or other Person entitled thereto by Endorsement thereon as aforesaid, shall be entitled to the Monies accruing and payable under such final Award, according to and in the Order of the Number of each such Debenture as aforesaid: Provided also, that nothing herein contained shall be deemed, construed, or taken to extend to make the Members of Drainage Boards or any of them personally, or their respective Lands or Tenements, Goods and Chattels, liable to the Repayment of any of the Monies to be borrowed or secured in pursuance of this Act, save in so far as they are or may be liable under and by virtue of the Award to be made as herein-after provided: Every such Debenture as aforesaid, and every Assignment or Transfer thereof, shall be chargeable with the same Stamp Duty as a Bond for the like Amount and the Assignment or Transfer thereof are, by the Laws in force, subject or liable to respectively.

Drainage Boards to pay off Debentures on Notice after Period limited for such Purpose.

37. In all Cases of Debentures issued as herein-before provided, it shall be lawful for the Drainage Boards, at any Time after the Expiration of the Period when, under the Provisions aforesaid, any such Debenture may upon Notice as aforesaid become payable, to publish a Notice in the Dublin Gazette, and in such Newspapers as they shall deem fit, fixing a Time, not sooner than *Two* Calendar Months from the Date of such last-mentioned Notice, when the

Principal Money secured by any such Debenture shall be paid or payable, having regard to the numerical Order in which the several Debentures for the District shall have been executed by the Drainage Boards; and in such Notice the Debenture to become payable shall be described by the Name of such District in respect of the Works within which such Debenture shall have been so issued, and by the Number on such Debenture; and it shall be lawful for the Drainage Board, at the Expiration of the Time in such Notice stated, to pay off the Monies due on account of any such Debenture mentioned in such Notice; and from and after the Expiration of the Time appointed by the said Notice the Interest upon the Principal Monies secured by any such Debenture shall cease and determine.

LOANS OF PUBLIC MONIES TO DRAINAGE BOARDS.

Commissioners of Public Works may make Advances.

38. It shall be lawful for the Commissioners of Public Works, upon Application of any Drainage Board, out of any Monies in their Hands, available for Loans, by and with the Sanction of the Commissioners of Her Majesty's Treasury, and subject to such Rules and Regulations and Conditions as the said Commissioners of the Treasury may think proper from Time to Time to make, to issue and advance to any Drainage Board such Sum and Sums of Money as they may think proper, to be applied for the Purposes of aiding in the Completion of the Works in any such District.

Application by Memorial.

39. Every such Application shall be made by Memorial stating the particular Circumstances rendering such Loan necessary or expedient, the estimated Expense of the intended Works, the Period at which the same are proposed to be completed, and the Sum of Money in the Hands of the Drainage Board applicable to the said Works, together with such other Particulars as the Commissioners may require.

Commissioners to make an Order for Advance.

40. The Commissioners shall thereupon cause an Inquiry to be made into the Subject of such Application, and, if upon the Result of such Inquiry they shall so think fit, make an Order for an Advance to such Drainage Board of such Sum of Money, and upon such Terms and Conditions as they shall deem expedient: Provided always, that no such Loan or Advance shall be made, unless the said Commissioners shall be satisfied that the Drainage Board have bonâ fide expended on the Works in their District a Sum of Money equal to the Amount of such Advance, in the Drainage and Improvement of such District; nor in any Case shall any such Loan or Advance be made exceeding *One Moiety* of the Monies proposed and intended to be expended on the Drainage and Improvement of such District;

and every Loan to be made by the said Commissioners of Public Works under this Act shall be made and issued by Instalments not exceeding at any Time *One Fifth* of such *Moiety;* and no Second or any subsequent Instalment of any such Loan shall be made until it shall have been proved to the Satisfaction of the said Commissioners, in such Manner as they shall require, that the preceding Instalment has been properly expended on the Works for which such Loan shall have been sanctioned and approved of by the said Commissioners.

Every Loan to be issued by Instalments.

41. As soon as conveniently may be after any Works for the Drainage or Improvement of any Land under this Act, or any other Work by this Act authorized to be executed, shall have been completed, the said Commissioners shall appoint a fit and proper Person to make an Award or Awards as herein-after mentioned; and the Person so appointed shall draw up, or cause to be drawn up, a Draft Award or Instrument in Writing, which shall describe in general Terms and by reference to Maps and Schedules, or otherwise, as the Commissioners shall direct, the Land or River drained or improved as aforesaid, and the Works which shall have been so completed; and such Award shall also specify the several Quantities belonging to the reputed Proprietors respectively of such Land so drained or improved as aforesaid, and the original Value and the increase of the Value of the Land so drained or improved; and such Award shall also specify the Amount of the Sums which shall have been expended upon and about the Works which shall have been so executed for Drainage, or Improvements by Drainage, and all Expenses incident thereto; and such Award shall also specify the Amount of any Monies borrowed or contributed under the Provisions of this Act (otherwise than and except any Sum advanced or agreed to be advanced by the Commissioners of Public Works), and the Interest on the same from the Date of such Advance; and such Award shall specify the Proportions of such Sums payable in respect of the several Parcels or Portions of the Lands drained or improved by Drainage towards Payment of the Total Amount of the Costs, Charges, and Expenses of such Drainage or incidental thereto, and whether the same shall be repaid in One Sum or by Instalments, and if by Instalments the said Award shall also specify the said Instalments; and in every such Award regard shall be had to the Degree of Benefit conferred as aforesaid, and the Circumstances of each particular Case; and by such Draft Award the said Arbitrator shall also appropriate to each Proprietor entitled to any Portion of the said Monies so advanced a proportionate Amount of the Monies to be charged on the said Lands, and each such Person (if in the Opinion of

On Completion of Works, Commissioners to appoint an Arbitrator to make Award.

of the Arbitrator practicable) may be declared entitled to a specified Charge, singly affecting certain specified Parcels or Denominations of the said Lands, and (if necessary and practicable) any Two or more Persons entitled to such Monies, or any Portion thereof, may by such Award be declared together entitled to any Sum or Sums so charged upon any Parcel or Parcels, Denomination or Denominations, of the said Lands, and in such Shares or Proportions as between such last-mentioned Persons as by such Draft Award shall be set forth; and the said Arbitrator shall insert in every such Award all such other Determinations, Matters, and Things as the Commissioners shall think necessary and proper to suggest and direct; and the Arbitrator shall also specify in every such Award the Proportions in which the Land drained and improved as aforesaid, and the Proprietors of such Lands in respect thereof respectively for the Time being, shall in future be annually charged towards the Costs and Expenses which may from Time to Time be incurred in or about the maintaining, cleansing, and keeping in Repair the several Watercourses, Sluices, Drains, Ditches, Cuts, Rivers, Lakes, Streams, Tunnels, Culverts, Banks, Bridges, Outlets, Weirs, Embankments, Fences, and other Works executed under this Act, and shall also specify, according to such Proportions as aforesaid, the Rate which shall be payable towards such Costs and Expenses as last aforesaid for the Year next ensuing the Date of such Award.

A Draft of the Award to be printed and published, and a Copy deposited with the Clerk of the Peace.

42. The Arbitrator shall within *One Calendar Month* next after the making of said Award cause a Draft thereof to be printed and sold at a Price not exceeding *Two Shillings and Sixpence* for each printed Copy thereof, and shall within such *Calendar Month* cause such Draft, or a Copy thereof, to be deposited with the Commissioners of Public Works, and another Copy with the Clerk of the Peace for every County wherein the Land or River, or any Part thereof, which shall have been drained or improved may be situate; and such Clerk of the Peace is hereby authorized and required to receive the same; and all Persons shall have Liberty to inspect the same on the Payment of *Sixpence;* and when such Draft Award has been so deposited, the Arbitrator shall cause Notice thereof to be inserted once in each Week for *Three* successive Weeks in some One or more Newspapers usually circulated in such District or the Vicinity thereof; and the Arbitrator shall by such Notice require all Persons who may desire to lodge Objections to the said Award to lodge the same at such Place, within such District, and before such Time as shall be specified in the said Notice; and the Arbitrator shall also in the said Notice state that he will proceed to hear any Objections which may be lodged and to settle the Award at such Time and Place in or near such

Notice thereof to be posted at the usual Places, and inserted in Newspapers, requiring Persons objecting thereto to send in their Objections.

District, as shall be specified in the said Notice, such Time not to be sooner than *One Calendar Month* from the first Publication of such Notice.

Drainage Board to furnish Documents.

43. For the Purpose of enabling such Arbitrator to make such Award, the said Drainage Board shall furnish and submit to the said Arbitrator all Accounts, Plans, Maps, Specifications, and other Documents and Information in their Power or Procurement, relating to the District respecting which such Award is intended to be made.

Arbitrator to examine into Objections.

44. The said Arbitrator shall attend at such Time and Place as he shall so appoint, and examine into the Matter of any Objection which shall be so lodged to the Award, and shall hear all such proper Evidence as may be offered to him in respect thereof, and shall make such Alterations (if any) in the said Award as he shall think fit, and may adjourn such Attendance from Time to Time, and shall settle and sign such Award.

Award to be enrolled.

45. Every Award when finally settled by the said Arbitrator, with proper Schedules, Map, or Plan referred to, describing the District and the Lands therein to which such Award shall relate, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in Ireland, and such Award, when so finally settled and enrolled, shall be binding and conclusive on all Parties, and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with; and the said Drainage Board shall, within *One Month* after the said Award shall be finally settled, cause such Award to be printed and kept for Sale at a Price not exceeding *Two Shillings and Sixpence* for each printed Copy thereof; and such Award shall be entitled, " *The —— District Apportionment of Expenses Award.*"

Apportioned Expenses to be charged on Lands.

46. The respective Sums of Money which by the Award of the Arbitrator shall be specified as the Proportions or Contributions payable in respect of the several Parcels or Portions of the Land drained or improved by Drainage, or by any Works under this Act, towards the total Amount of the Sums (other than any Rentcharge payable in respect of any Advance of Public Money as aforesaid) expended in and about such Drainage or Improvements as aforesaid, with Interest for such respective Sums of Money at the Rate not exceeding *Five Pounds* per Centum per Annum from the Date of such Award, shall be charged on such several Parcels or Portions of the Land so drained or improved as aforesaid, and that in preference to and with Priority over all Incumbrances on such Land, save those created under the Authority or Provisions of any Act of Parliament heretofore passed, and save the Rentcharge payable in respect of any Advance of Public Money under this Act as aforesaid: Provided nevertheless, that any Quit or Chief Rent issuing thereout, or other Incumbrance thereon, previously to the Date of the said Award, shall have Priority to such Charges to the Extent of the Value of such Land before the Improvements were effected, but no further.

In Case of Nonpayment of Money so charged, Drainage Boards may enter into Receipt of the Rents, and mortgage the Land.

47. If any Sum of Money so charged as aforesaid, or any Instalment thereof, or any Interest in respect thereof, shall remain unpaid for the Space of *Three* Calendar Months next after the Time appointed for the Payment of the same by the said Award, then it shall be lawful for the Drainage Board, or any Person authorized by them, to enter upon the Land charged with or liable to the Payment of the Sum of Money or Interest so in arrear, or any Part thereof (but subject nevertheless to such Quit or Chief Rent, or other Incumbrance, if any, as aforesaid), and the Rents and Profits of such Land to receive and take, until thereby or otherwise the Sum and Interest so due (together with all Costs and Expenses attending or occasioned by such Entry and Receipt of the Rents, Profits, and Issues of such Land) shall be fully paid and satisfied; and it shall be lawful for the Court of Chancery in Ireland, upon the Application by Petition of the Drainage Board, to appoint a Receiver of the Rents, Profits, and Issues of such Land, which Receiver shall have full Power to receive the same Rents, Profits, and Issues, and apply the same, after Deduction of the necessary Expenses of the Application to the said Court, and of such Quit or Chief Rent issuing out of such Lands and Premises (if any), and without prejudice to such prior Incumbrances, or any Remedy for the Recovery of the same, respectively in Payment of the Sum and Interest so due, until the same shall be fully paid; and it shall also be lawful for the Drainage Board, if they shall so think fit, to raise such Sum and Interest, and all Costs and Expenses attendant thereon, by Mortgage of such Land or a competent Part thereof; and every such Mortgage, and every Receipt given for the Consideration Money, shall be valid and effectual to all Intents and Purposes whatsoever; and no Mortgagee shall be bound to see to the Application of his Mortgage Money, or to inquire whether the Mortgage made by the Drainage Board is hereby authorized.

In Case of Loan by the Commissioners of Public Works, they may appoint Arbitrator

48. In case any such Loan shall have been made to any Drainage Board by the Commissioners of Public Works as aforesaid, then and in such Case it shall be lawful for the Commissioners, on the Completion of the Works in the District within the Period mentioned in the Order of the Commissioners, or within such further Period as the

Commissioners may have appointed for the Completion of the said Works, or in case the Works in any District shall not be completed within either of the Periods aforesaid, then at such Time as the Commissioners shall think proper, to appoint a fit and proper Person to be an Arbitrator to make an Award for the Purpose of ascertaining the Proportions in which the several Lands within such District shall be chargeable with the Repayment of such Loan by the Commissioners, together with Interest on the same from the Date of such Advance until the Date of such Award; and such Award shall be called "*The —— District Repayment of Public Advances Award*," and shall describe, by reference to Maps, Plans, or otherwise, the Land or River in respect of which such Award shall have been made, and shall specify the several Lands, and Quantities belonging to the reputed Proprietors respectively of such Land, and the Amount of such Loan and Interest as aforesaid, and all other Expenses incurred by the said Commissioners in respect thereof, in pursuance of the Provisions of this Act; and such Award shall specify the Principal Monies advanced by the Commissioners, and Interest thereon at the Rate of *Four Pounds* per Centum per Annum from the respective Dates of such Advances, and such consolidated Sum of Principal and Interest shall by such Award be apportioned amongst the respective Proprietors in such District, and on their Lands respectively; and such Awards shall specify the respective Amounts of the gross Sums of Money and the Rentcharges payable in respect of such Loan, Interest, and Expenses as aforesaid, which shall be charged upon the said several Parcels or Portions of Land as aforesaid, regard being had to the Circumstances of the Case, and the Degree of Benefit conferred or expected to be conferred upon the said several Lands by the said several Works within the said District; and the like Proceedings in all respects shall be had with regard to the said last-mentioned Award as are herein-before directed of and concerning the aforesaid Award to be made after the Completion of the Works within any District, called District Apportionment of Expenses Award.

to make Award.

49. The several Lands mentioned in any such Award as last aforesaid shall, from the Date of such Award, become charged with the Payment to Her Majesty of an Annual Rentcharge of *Six Pounds Ten Shillings* for every One Hundred Pounds charged on the said Lands respectively, and so in proportion for any lesser Amount, to be payable for the Term of *Twenty-two* Years, to be computed from the *Fifth Day of April* or *Tenth Day of October* which shall next happen after the making of such Award, such Rentcharge to be paid by equal *half-yearly* Payments on the *Fifth Day of April* and *Tenth Day of October* in every Year, the First of such Payments to be made on the Second of such Days which shall happen after the

A Rentcharge of 6*l.* 10*s.* for every 100*l.* charged. 10 Vict. c. 32. s. 37.

Date of such Award: Provided always, that where the gross Sum chargeable upon any particular Parcel or Denomination of Lands, in respect of any such Advance of Public Monies, shall not exceed the Sum of *One Hundred Pounds*, it shall be lawful for the Arbitrator, by his said Award, to fix and determine the Instalments by which such Sum, together with Interest at the Rate of *Four Pounds* per Centum per Annum from the Date of such Award, shall be repaid, and such Instalments shall be charged and recovered in like Manner as the Rentcharge aforesaid.

Monies to be charged on Lands settled to the same Uses as the Lands improved.

50. All Monies, including such Rentcharges as aforesaid, charged upon any Lands by virtue of this Act, shall also be charged and chargeable upon all such other Lands belonging to the same Proprietor, and settled to the same Uses, situate within *One Mile* of any Part of the Lands drained or improved or intended so to be, as shall by the final Award made by virtue of this Act be made chargeable therewith, but subject as to such other Lands to the full Amount of all Incumbrances affecting the same prior to such Award.

Priority of Rentcharge.

51. Every such Rentcharge or Instalment to be secured by any such Award shall take Priority of all Charges and Incumbrances whatsoever and whensoever made, save and except Quitrents and Rentcharges in lieu of Tithes, and also save all Charges prior in Date (if any) created under the Authority or Provisions of any Act of Parliament heretofore passed.

Rentcharges to be paid.

52. The Rentcharges which shall become payable under this Act shall be paid to the Commissioners of Public Works in Ireland, or to such Person and in such Manner as the Commissioners of Her Majesty's Treasury may from Time to Time signify and appoint, by Notice to be published in the Dublin Gazette for that Purpose, and the Receipt of the said Commissioners or their Accountant, or such other Person to whom they shall be so directed to be paid, shall be a sufficient Discharge for the same.

Incorporation of Clauses in 10 Vict. c. 32.

53. The Thirty-ninth, Fortieth, Forty-second, Forty-third, Forty-fourth, Forty-fifth, Forty-seventh, Forty-ninth, Fiftieth, Fifty-first, Fifty-second, Fifty-third, and Sixty-fifth Sections of the Act Tenth Victoria, Chapter Thirty-two, together with the Schedules referred to by the said Sections or any of them, shall be deemed to be incorporated in this Act, save that every Act therein directed to be done by or to the Paymaster of Civil Services shall be done by or to the Commissioners of Public Works, and shall be as effectual to all Intents and Purposes as any such Act would have been if done by the said Paymaster under the Provisions of the said last-mentioned Act.

54. Every

Arbitrator before acting to make Declaration.

54. Every Arbitrator to be appointed under the Provisions of this Act shall, before entering upon his Inquiries, make a Declaration, as herein-before required in the Case of an Arbitrator to be appointed before the Undertaking of any Works; and such Arbitrator shall have the same Powers of summoning Witnesses, and calling for the Inspection of Documents, and generally for the ascertaining of all Matters to enable him to make his Award, as are by the Railways Act, Ireland (1851), and Railways Act, Ireland (1860), given to an Arbitrator acting under the said Acts; and he shall also have Power, by himself and his Servants, to enter upon any Lands within the Drainage District, in case he shall deem it necessary or expedient so to do, for the Purposes of his Award.

Costs of Arbitration to be deemed Part of Expenses of Execution of Works.

55. All Costs, Charges, and Expenses of any Arbitration under this Act shall be included by the Arbitrator making any Award under this Act in the Monies chargeable and apportioned by virtue of such Award.

Tenants paying Monies on account of Landlord to deduct them from Rent.

56. Every Occupier of any Land who, not being a Proprietor thereof within the Meaning of this Act, shall pay for the Land in his Occupation, on account of his Landlord, any Sum charged thereupon under and by virtue of the Provisions of this Act, shall and he is hereby authorized to deduct and retain out of his Rent the Amount of the Sum of Money which he shall so pay as aforesaid, and the next immediate Landlord of such Occupier, if not himself a Proprietor of such Land within the Meaning of this Act, shall and he is hereby authorized to make the like Deduction from the Rent payable by him, and so on, each Sub-Lessee and Sub-Lessor of such Land, not being a Proprietor thereof within the Meaning of this Act, being entitled to deduct the same so charged upon such Land under or by virtue of this Act, from the Rent payable to his next immediate Landlord, until such Deduction shall be made from the Rent payable to a Person being a Proprietor within the Meaning of this Act, who shall not be entitled to make any such Deduction from the Rent, if any, payable by him; and every such Occupier, Sub-Lessee, or Sub-Lessor, paying any such Sum of Money, shall be acquitted and discharged of the Sum so paid by him, as fully and effectually as if the same had been actually paid to his Landlord (except where there may be any Lease or Agreement to the contrary); but nothing herein contained shall extend or be construed to enable any Occupier or Lessee to deduct from his Rent any Costs or Expenses incurred by Nonpayment of the Monies hereby imposed or authorized to be levied.

Proprietors of less than Fee Simple

57. Any Person entitled to less than an immediate Estate of Fee Simple may charge (according to the like Priority, and subject to the like may charge the Expenses on the Lands.

like Incumbrances as aforesaid,) the Land to which he shall be entitled, and which shall have been drained or improved by Drainage under the Provisions of this Act, with the Proportion of any Expenses to be defrayed by him under the Award as aforesaid, or any Part thereof, with lawful Interest thereon, but so nevertheless that the Charge upon such Lands or Premises shall be lessened in every successive Year (to be computed from the Date of such Award) by the Amount of at least *One Twentieth* Part of the whole Sum of the Instalments charged thereon by the Award, and the Interest in respect thereof.

Arbitrator to determine Amount of increased Rent to be paid for Land improved.

58. After the Completion of any Drainage Works under this Act, in case any Land which shall be drained or improved by such Drainage Works shall be in the Occupation of a Person who shall not be a Proprietor thereof within the Meaning of the Provisions in that Behalf herein-before contained, or in case any Land so drained or improved shall be held under any Person who shall, within the Meaning of the aforesaid Provisions, be a Proprietor thereof, by any other Person or Persons, under any Lease, Agreement, or Contract for a Lease, or shall be held under any Lease, Agreement, or Contract for a Lease granted or made by any Person or Persons having any immediate or derivative Title from or under such Proprietor, then and in such Case the Commissioners, if called upon so to do, shall appoint an Arbitrator, who shall determine the Amount of increased Rent or Rents which such Occupant and other Person or Persons having such immediate or derivative Title from or under such Proprietor as aforesaid shall pay in consequence of any Improvement of such Land, regard being had to the Duration, Extent, and Value of the Interest of such Occupant or Person or Persons in such Land, and the necessary Expenses to be incurred in the Cultivation thereof, and the peculiar Circumstances of each Case; and the Landlord or respective Landlords of such Occupant or other Person or Persons, and every intermediate Landlord, shall have the same Remedies for the Recovery of such increased Rent or Rents as he or they was or were entitled to for the Rent or Rents originally reserved; and the Decision of the Arbitrator shall be signified by Endorsement signed by him on the Lease or Instrument, or Leases or Instruments of Demise, or by a separate Instrument, to be executed in like Manner: Provided always, that Notice shall be given by the Arbitrator to the Occupier or other Person whose Rent is proposed to be increased of the Intention to make such Increase, and by such Notice a Time and Place shall be specified at which it shall be lawful for such Occupier or other Person to appear before the Arbitrator, and make any fair and reasonable Objection which he may have to the Rent being increased by the Arbitrator in the Manner aforesaid.

Drainage Boards to hold annual Meetings, and fix the Amount to be raised for Maintenance and Repairs for the ensuing Year.

59. For the Purpose of effectually sustaining and upholding, in all Cases in which Works shall be executed under this Act, all and singular the Drains, Watercourses, Banks, Sluices, Flood Gates, Tunnels, Water Gates, Buildings, Bridges, and other Works, and of supplying in such Cases all Things that may be required to work the same, and for the Payment of all necessary Expenses of Maintenance of Works of Drainage, Water Power, and all other Expenses incident thereto, and all Costs, Charges, and Liabilities from Time to Time properly incurred by them in the Execution of the Provisions of this Act, it shall be lawful for the Drainage Board, and they are hereby respectively authorized and required, *once* in every Year to meet in some convenient Place, and then to determine and fix the Sum of Money that shall be contributed and raised during the then ensuing Year for the Purposes of effecting, sustaining, supporting, and upholding all and singular the aforesaid Works, and for other the Purposes of this Act, and (having regard to and in the Proportions fixed for such Purpose by the said Award), to assess, rate, and tax the Proprietors of the said Land for and towards the Payment and Satisfaction of all such Sums of Money, Costs, Charges, and Expenses as may be required for the Purposes last aforesaid, and for the Payment and Satisfaction of any Sum of Money raised for such Purposes, and the Interest thereof; and the said several Sums so rated and assessed shall be charged on the Land so drained or improved, in preference to and with Priority over all Incumbrances thereon: Provided nevertheless, that any Quit Rent or Chief Rent or other Incumbrance thereon previous to the Date of the final Award herein-before mentioned, and any Rentcharge under this Act, shall have Priority to such Sums of Money so rated or assessed, to the Extent of the Value of such Land before the Improvements were effected, but no further; and the Drainage Board shall have the same Powers, Rights, and Privileges, by Entry or Mortgage, to enforce the Payment of all such last-mentioned Sums of Money, Costs, Charges, and Assessments as are herein-before given to them for the enforcing Payment of the Sums charged under the Award as aforesaid.

Power to Drainage Board to release.

60. It shall be lawful for the Drainage Board from Time to Time and at any Time, for such Considerations as they may think proper, and with the Consent of the said Commissioners signified under their Seal, to release any Portion of the Lands of any Proprietor from the whole or any Part of any Charge payable to such Board under the Provisions of this Act; and no such Release shall affect the Rights or Remedies of such Board as against the Residue of the Lands, Part of which may be so released, or in respect of the Residue of any such Charge.

Power to sell Lands not required.

61. It shall be lawful for any such Drainage Board from Time to Time, with the like Consent of the said Commissioners signified as aforesaid, for such Considerations as they may think proper, to sell and convey any of the Lands which they may have acquired under the Provisions of this Act, and which may be no longer required by such Board.

Power to recover Maintenance Rates by Civil Bill.

62. The said Rates or Charges for Maintenance of the said Works in any District shall also be recoverable by Civil Bill, brought by the Drainage Board to which the same shall be payable, against the Person or Persons for the Time being in Possession or in Receipt of the Rents or Profits of the Lands in respect of which such Rates or Charges shall be payable.

Service of Notices on Occupiers and Proprietors.

63. All Notices required to be served by virtue of this Act upon the Occupier or Proprietor of any Land shall either be served personally on him, or be left at his last usual Place of Abode in Ireland, if any such can after diligent Inquiry be found, and in case he is absent from the United Kingdom, and his last usual Place of Abode cannot be found after diligent Inquiry, it shall be affixed on some conspicuous Part of such Premises.

Notices to Corporations to be left at their principal Office.

64. If any Occupier or Proprietor on whom Notice is to be served is a Corporation Aggregate, or Joint Stock or other Company, or Body of Proprietors or Undertakers, such Notice shall be left at the Principal Office of such Corporation, Company, or Body, or if no such Office can after diligent Inquiry be found, shall be served on some Agent, if any, of such Corporation, Company, or Body, but if no such Officer or Agent can be found it shall be left with the Occupier of the Lands, or if there be no such Occupier shall be affixed on some conspicuous Part of such Lands.

In case of Death of Arbitrator, Commissioners to appoint another.

65. If any Arbitrator appointed for any of the Purposes of this Act shall die, or refuse, decline, or become incapable to act, the Commissioners may from Time to Time and as often as same may become necessary appoint an Arbitrator in his Place, who shall have the same Powers and Authorities as the Arbitrator first appointed.

Commissioners of Public Works may appoint an

66. After the Constitution of a Drainage District under the Provisions of this Act, and during the Execution of any Works by the Drainage Board of such District, it may be lawful for the Commissioners

missioners of Public Works, upon the Application of any Person or Persons who shall have advanced any Monies for the Purpose of the Works to be executed within such Drainage District, and in case it shall seem expedient to the said Commissioners, to appoint a duly qualified Officer to proceed to the District to inspect the Execution of the said Works, and to report to the said Commissioners upon the Sufficiency or Insufficiency thereof, and thereupon the said Commissioners shall make such Order relative to the Execution, Alteration, or Modification of such Works as to them will seem requisite, and transmit such Order to the Drainage Board of such District; and the Drainage Board shall thereupon proceed with the Execution, Alteration, or Modification of such Works, in accordance with the said Order of the Commissioners; and in the event of any Drainage Board wilfully neglecting or refusing to comply with such Orders, it shall be lawful for the Persons who shall have advanced any Monies for the Purpose of the Works to apply by summary Petition to the Court of Chancery in Ireland, and thereupon such Court shall make such Order thereon as shall seem just, and shall issue any Writ or Writs of Injunction to enforce any such Order, and shall have Power to adjudge by whom the Costs of any such Proceedings shall be borne.

Officer to inspect and report upon Execution of Works.

67. All Costs, Charges, and Expenses incurred by Drainage Boards in instituting or defending any legal Proceedings instituted or defended by them in their Character of Drainage Boards may be defrayed out of the Rates leviable by them, and no Member of a Drainage Board shall be personally liable in respect of any such Costs, Charges, or Expenses.

Costs of legal Proceedings on Part of Drainage Boards.

TENDER OF AMENDS.

68. If any Party has committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority hereby given, and if before Action brought in respect thereof such Party makes Tender of sufficient Amends to to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender has been made, it shall be lawful for the Defendant, by Leave of the Court where such Action is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Tender of Amends.

Saving Clauses and Miscellaneous.

Saving Rights of Canal Owners and Wharfingers

69. Nothing in this Act shall authorize any Drainage Board or Proprietor—

(1.) To interfere with any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, irrigating, or improving Land under any Public, Local, or Private Act of Parliament, so as to injuriously affect the same:

(2.) To interfere with any Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or the Supply of Water to any Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, so as to injuriously affect the Navigation on such Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or the Use or Maintenance thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are by virtue of any Act of Parliament or otherwise entitled to navigate on or use such Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or in respect of the Navigation on or Use of which Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues:

(3.) To interfere with the Works or Supply of Water of any Body or Persons, corporate or unincorporate, supplying Water to any Town or Place, so as to injuriously affect the same:

(4.) To execute any Works in, through, or under any Wharfs, Quays, Docks, Harbours, or Basins, belonging to the Proprietor or Proprietors of any inland Navigation constituted by Act of Parliament, or otherwise or for the Use of which they are entitled by virtue of any Act of Parliament or otherwise to demand any Tolls or Dues:

without the Consent of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are hereinbefore in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of Individuals under their Hands, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, or Trustees under the Hand of their Clerk, or other duly authorized Officer or Agent.

Drainage Boards not to divert

70. Nothing in this Act shall authorize any Drainage Board to divert any River in such Manner as to injure or to diminish the Supply of Water to any Harbour, without the Consent of the Conservators or any Authority having the Management of such Harbour.

Rivers so as to injure Harbours.

Power for Canal Commissioners to alter Sewers.

71. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the navigation on such River or Canal, or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Surveyor of the Drainage Board, take up, divert, or alter the Level of Sewers, Drains, Culverts, or Pipes constructed by the Drainage Board, and passing under or interfering with or with the Improvement or Alteration of such River, Canal, Dock, Harbour, or Basin, or the Towing-path of such River, Canal, Dock, Harbour, or Basin, and do all such Matters and Things as may be necessary for carrying into effect such taking-up, Diversion, or Alteration.

Penalty on Persons creating Obstructions or Nuisances

72. No Person shall cause or permit any Obstruction in or otherwise injuriously affect any Watercourse in respect of which any Works shall have been commenced or executed by any Drainage Board, or shall, without the Consent of the Drainage Board, cause any filthy or unwholesome Water, or Washings of Manufactories or Mines, or other foul or poisonous Liquid, to flow into any such Watercourse; and any Person offending against this Enactment shall incur a Penalty not exceeding *Five Pounds*, and a further Penalty of *Forty Shillings* for every Day during which the Offence is continued, to be recovered in a summary Way, before Two or more Justices at Petty Sessions; but this Section shall not apply to any Person having a legal Right to create such Obstruction or other Injury, or to cause such Water, Washing, or Liquid as aforesaid to flow into any existing Watercourse.

Drainage Boards may remove any insufficient Bridge, erecting a temporary Bridge.

73. If any existing Bridge, Culvert, or Archway for the Discharge of Water under any public Road shall in the Opinion of the Commissioners, be insufficient for the free Discharge of such Water, and shall by reason of such Insufficiency cause or tend to cause the flooding of any Land to be drained or improved by the Works of the Drainage Board, it shall be lawful for the Drainage Board, having first obtained the Certificate of the Commissioners as to the Necessity for same, to take down and remove such Bridge, Culvert, or Archway, the Drainage Board constructing a temporary Bridge, Culvert, or Archway in the Place of that so to be taken down and removed, and supporting and maintaining the same for the Space of *Twelve* Months, the Expense of the taking down and Removal of such Bridge, Culvert, or Archway, and constructing, supporting, and maintaining such temporary Bridge, Culvert, or Archway, to form Part of the

Costs of the Works in the District within which any such Bridge, Culvert, or Archway may be situate: Provided always, that before proceeding to remove any such Bridge, Culvert, or Archway the Drainage Board shall Cause *Thirty-one* Days Notice to be given to the County Surveyor of the County, or of each County (if more than One) in which such Bridge, Culvert, or Archway shall be wholly or in part situate, stating the Intention of the Drainage Board to remove such Bridge, Culvert, or Archway, and communicating such precise Information, including a detailed Plan and Cross Section of the River or Stream over which a new Bridge, Culvert, or Archway is to be built, as may be requisite to show the Dimensions of the Waterway of such new Bridge, Culvert, or Archway, for the Purpose of enabling the County Surveyor to prepare a proper Plan, Specification, and Estimate for such new Bridge, Culvert, or Archway; and the Surveyor of any such County to whom such Notice shall be given shall at the next Assizes after the Receipt of such Notice lay the same, together with a proper Plan, Specification, and Estimate for such new Bridge, Culvert, or Archway, before the Grand Jury of such County.

Grand Jury of County to present for new Bridge, &c.

74. The Grand Jury of the County in which any such new Bridge, Culvert, or Archway shall be required to be built or constructed is hereby authorized and required (without any Application to Presentment Sessions) to present the Amount necessary for the building of such Bridge, Culvert, or Archway, with the required Dimensions of Waterway, according to such Plan, Specification, and Estimate as such Jury may approve; and the Grand Jury of such County shall thereupon appoint a Committee of not less than *Three* or more than *Five* Persons, any *Three* of whom shall be a Quorum, to contract and agree with any Party or Person willing to undertake the Building of such Bridge, Culvert, or Archway, or the Grand Jury may authorize and direct that the said Bridge, Culvert, or Archway may be built and constructed under the immediate Superintendence and Direction of the County Surveyor of such County: Provided that when any such new Bridge, Culvert, or Archway shall be over any Stream or River forming a Boundary between Two Counties, the same shall be built or constructed at the Expense of such Two Counties in *equal Moieties*, and the Grand Jury of each such County shall (without any Application to Presentment Sessions) present the *Moiety* of the Sum necessary for building or constructing such new Bridge, Culvert, or Archway, and appoint a Committee as hereinbefore provided in the Case of One County, and the Committees so appointed shall meet and act as a Joint Committee for the Purpose of contracting for the Execution of the Work as aforesaid at the joint Expense of the said Counties, or the said Grand Juries may authorize

Provision in case Bridge is on Boundary of Two Counties.

and direct that the said Work shall be given in charge to the Surveyors of such Counties, and executed under their joint Superintendence and Direction.

Exchanges may be made of Land.

75. And whereas it may happen that by reason of the Works to be executed in pursuance of the Provisions of this Act it may be convenient to alter the Boundaries of the Lands of different Owners, and therefore that such Powers of Exchange should be given to the Commissioners as after mentioned : Be it therefore enacted, That it shall be lawful for the Commissioners, upon the Application in Writing of the Persons interested as Owners, as herein-before defined, except Persons holding under a Lease reserving Rent for a Life or Lives, or for a Term of Years, in any Lands which shall be drained or improved under the Provisions of this Act, or in any Lands adjacent to any such Lands, and who shall desire to effect an Exchange of Lands in which they respectively shall be so interested, to direct Inquiries whether such proposed Exchange would be beneficial to the Owners of such respective Lands, and has been rendered necessary or expedient by reason of any such Drainage or Improvement as aforesaid ; and in case the Commissioners shall be of opinion that such an Exchange would be beneficial, and that the Terms of the proposed Exchange are just and reasonable, they shall cause to be framed and confirmed, under the Seal of the Commissioners, an Order of Exchange, with a Map or Plan thereunto annexed, in which Order shall be specified and shown the Lands given and taken in exchange by each Person so interested respectively, and a Copy of such Order shall be delivered to each of the Parties on whose Application the Exchange shall have been made, and such Order of Exchange shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever, and shall be in nowise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made; and the Land taken upon every such Exchange shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the Lands given on such Exchange would have stood limited or been subject to in case such Order had not been made; and all Expenses with reference to such Order and Exchange, or the Inquiries in relation thereto, or to any proposed Exchange, shall be borne by the Persons on whose Application such Order shall have been made, or such Inquiries undertaken: Provided always, that no Exchange shall be made of any Land held in right of any Church or Chapel or other Ecclesiastical Benefice, without the Consent, testified in Writing, of the Bishop of the Diocese and the Patron of such Benefice: Provided also, that no One Lot or Parcel of Land given or taken in exchange shall ever exceed *Ten*

Acres; and it shall be lawful for the said Commissioners to authorize the Payment of any Sum of Money by way of Equality of Exchange, or in respect of any such Exchange, and the Monies so given shall be paid and divided by the said Commissioners in such Manner as they shall think fit, and for the compensating the Parties interested in the Land given in exchange, and according to their respective Estates and Interests, and the Decision of the Commissioners in the Premises shall be binding and conclusive upon all Persons interested in such Lands.

Notices of such Exchanges to be given.

76. Provided always, That no such Order of Exchange as aforesaid shall be confirmed by the Commissioners until Notice shall have been given by Advertisement, in *Three* successive Weeks, of such proposed Exchange, and *Three* Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case, before the Expiration of such *Three* Calendar Months, any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Exchange shall give Notice in Writing to the Commissioners of his Dissent from such proposed Exchange, the Commissioners shall not confirm an Order for such Exchange unless such Dissent shall be withdrawn, or it shall be shown to the Commissioners that the Estate or Charge of the Party so dissenting shall have ceased.

Security to be given.

77. Provided also, That before taking any Proceedings in reference to any such Exchange, the Commissioners may require Security or Deposit of a Sum of Money to be given by the Person making the Application for the Expenses to be incurred attending such Proceedings.

Provision in case of Alteration of local Boundary.

78. Where, in exercise of any Powers given by this Act, any Watercourse forming a Boundary Line between Two or more Counties, Baronies, Unions, Parishes, or other Areas defined by Law, is straightened, widened, or otherwise altered so as to affect its Character as a Boundary Line, the Drainage Board, under whose Authority such Alteration is made, shall forthwith report the same to the Lord Lieutenant in Council, who, if satisfied that a new Boundary Line may be adopted with Convenience, shall, by Notice to be published in the Dublin Gazette and in such other Manner as he may direct, declare that the Watercourse as altered shall either wholly or partially be substituted for the former Boundary Line, and the Limits of the Areas of which the Watercourse when unaltered was the Boundary shall be deemed to be varied accordingly; but if the Lord Lieutenant in Council is of opinion that a new Boundary cannot wholly or partially be adopted with Convenience, he shall require the Drainage Board under whose Authority the Alteration in the Watercourse was made to set out a Boundary upon the Line of the Watercourse as it existed before its Alteration, or in a new Course in lieu thereof, in such Manner as he may direct and approve; and a Copy of the Dublin Gazette containing the Advertisement in respect of any Alteration of Boundary made in pursuance of this Section shall be admitted as Evidence in all Courts of Justice of the Fact of such Alteration having been made.

Power to Drainage Boards, in case Mill Power be improved, with Owner's Consent, to rate the Millowner towards the Expenses of the Works.

79. In case the Proprietor of any Mill or Factory shall consent that any Dam, Weir, or Watercourse, or other Work or Obstruction connected with such Mill or Factory shall, for the Purpose of Drainage to be effected under this Act, be altered and rebuilt, or that such Mill or Factory shall, by any Works of the Drainage Board, obtain any increased Water Power, it shall be lawful for the Arbitrator to be appointed for the Purpose by the Commissioners to fix and determine the Amount of Rate or Contribution which shall be paid by the Proprietor of such Mill or Factory for the Improvement which shall be so effected, towards the Repayment of the Costs and Expenses of the Works to be executed within the District within which such Mill or Factory is situate, and the Rate which shall be paid in future for such increased Water Power; and the Drainage Board shall have such and the like Powers and Authorities to recover the Amount of Rate which shall be so fixed and determined as are given to them by this Act for the Recovery of any other Rates or Charges to be imposed by them under the Authority of this Act.

SCHEDULE referred to in the foregoing Act.

RULES AS TO ELECTION OF MEMBERS OF DRAINAGE BOARDS.

The Chairman of the Board of the previous Year, or some Person appointed by him, shall be the Returning Officer.

If at any Time, from any Default of such Chairman as aforesaid, or from any Reason, there is no Returning Officer, or such Returning Officer is unwilling or unable to act, the Members of the Board of the preceding Year may appoint a Returning Officer in his Stead.

The Election of new Members shall take place on the *First Thursday*, or on such other Day as may be appointed by the Board, in *September* in every Year, excepting the Year in which the Order of the Commissioners is made.

On every Occasion of the Election of new Members of the Board the Returning Officer shall convene a Meeting of the Electors for the Purpose of such Election, and shall give Notice of such Meeting, and of the Time and Place at which it is to be held—

By Advertisement in some One or more of the Newspapers circulating in the District:

By causing a Copy of such Notice to be affixed to the outer Door of the principal Office of the Board.

Such Advertisement to be published, and Copy to be fixed, *Fourteen* Days before the Day appointed for such Election.

The Returning Officer shall preside and regulate the Proceedings at such Meeting.

At any such Meeting as aforesaid any qualified Person or Persons may, if he or they consent thereto, be nominated by any Elector, and seconded by any other Elector, as a Member or Members of the Board in the Place of any retiring Member or Members.

If more Candidates are proposed than the Number to be elected, the Returning Officer shall forthwith, in such Manner as shall appear to him most convenient, ascertain the Number of Votes for the Candidates who shall have been so proposed, and the Election and Return of such Candidates shall be determined by the Majority of such Votes; but if no more Candidates are proposed than the Number to be elected, then a Declaration by the Returning Officer that the Candidates are elected Members of the Board shall be Evidence of the Fact.

For the Purpose of ascertaining the Votes of the Electors the Returning Officer may, if he thinks fit, or if it shall be necessary or expedient, hold an adjourned Meeting of the Electors, at such Time and Place as he may fix at such First Meeting, and the Time and Place of such adjourned Meeting shall be publicly announced by him at the First Meeting, to be held as before provided.

Votes may be given either personally or by Proxy. A Proxy shall be appointed under the Hand of the Appointer, but no Person shall be appointed a Proxy unless he is a qualified Elector.

The Returning Officer shall cause to be entered in the Polling Books to be kept for that Purpose the Name and Address of every Voter, and the Manner in which he votes.

After the Election the Returning Officer shall, as soon as possible, publish the Names of the Candidates elected as herein mentioned:—

(1.) By Advertisement in some One or more Newspaper or Newspapers circulating in the District:

(2.) By affixing a List of such Candidates to the outer Door of the principal Office of the Board.

RULES AS TO PROCEEDINGS OF DRAINAGE BOARDS.

1. A Drainage Board shall meet together for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Condition:—That

(*a*) No Business shall be transacted at any Meeting unless at least *Three* Members are present at the Commencement and Close of such Business:

(*b*) All Questions shall be decided by a Majority of Votes of the Members present:

(*c*) The Names of the Members present, as well as of those voting upon each Question, shall be recorded.

2. The Board shall, at their First Meeting, and afterwards from Time to Time at their First Meeting after each annual Election, appoint One of their Number to be Chairman for the Year following such Choice.

3. If any casual Vacancy occurs in the Office of Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy, and every such Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.

4. If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting:

5. In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.

6. The Board may delegate any of their Powers to Committees, consisting of such Member or Members of their Body as they think fit. Any Committee so formed shall, in the Exercise of the Powers delegated, conform to any Regulations that may be imposed on them by the Board.

7. A Committee may elect a Chairman of their Meetings. If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

8. A Committee may meet and adjourn as they think proper. Questions at any Meeting shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes, the Chairman shall have a Second or Casting Vote.

9. The Board shall cause Minutes to be made in Books provided for that Purpose,—

(1.) Of all the Appointments of Officers made by the Board;
(2.) Of the Names of the Members present at each Meeting of the Board and Committees of the Board;
(3.) Of all Orders made by the Board and Committees of the Board; and,
(4.) Of all Resolutions and Proceedings of Meetings of the Board and of Committees of the Board.

And any such Minutes as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of the Board or Committee of the Board, shall be receivable in Evidence without any further Proof.

LORDS AMENDMENTS

TO THE

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) BILL.

Note.—*The Page and Line refer to the Bill* (136.) *as printed by the Lords.*

Page 3.

Line 44. After ("thereof") insert ("and also to be served
" on the Proprietor by Delivery of the same personally; or if such
" Proprietor is absent from Ireland, to his Agent, or by leaving the
" same at the usual or last known Place of Abode of such Pro-
" prietor as aforesaid; or by forwarding the same by Post in a pre-
" paid Letter addressed to the usual or last known Place of Abode of
" such Proprietor").

Page 4.

Line 3. Leave out the Second ("or") and insert ("and be")

Line 6. Leave out ("Three Weeks") and insert ("Two " Months")

Line 19. Leave out ("an Officer as")

Lines 24 and 25. After ("contained") insert—

(" The Person so sent as Inspector by the Commissioners shall in no Case be the same Person who may have previously reported for the Petitioners, nor shall the Person so sent by the Commissioners be afterwards in any Way employed in the Execution of any of the Works in the District:")

Line 41. Leave out ("pertinent")

Page 5.

Line 21. After ("Shilling") insert—

(" Any Inspector sent by the Commissioners in pursuance of this Act may, by himself and his Servants, enter upon any Lands in order to obtain Information upon any of the Matters aforesaid, and may do all such Things as to him shall seem expedient and necessary for the Purposes of his Inspection and Report, making reasonable Compensation for any Injury which may be done by him or his Servants, and he may also, by Summons under his Hand, require to appear before him, at some convenient Place within or near the proposed District, any Persons whomsoever, and examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Officer of or acting under any Corporation or Guardians of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control, touching any Matter relating to the Purposes of such Inquiry; and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever refuses to permit any such Inspector or his Servants to do any of the Matters aforesaid, or wilfully disturbs or interferes with him or them in the course of their Inspection, or wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding Five Pounds for every such Offence, to be recovered in a summary Manner before Two Justices of the Peace sitting at Petty Sessions in any District within the Jurisdiction of which any of the Lands in the proposed Drainage District are situate; but no Person shall be required to attend before the Inspector in obedience to any Summons unless the reasonable Charges of his Attendance have been paid or tendered to him")

Line 23. Leave out from ("Commissioners") to ("may") in Line 26, and insert—

("who shall transmit a certified Copy thereof to the Petitioners, and the Petitioners shall lodge Copies of such Report with the Clerk or Clerks of the Unions respectively; and shall forthwith cause a Notice, stating that said Report has been so lodged, to be published in some Newspaper usually circulated in the proposed District, and Objections in Writing to said Report, or any Part thereof, may, within One Month from the lodging of said Report, be served on or transmitted by Post to the said Commissioners at their Office in Dublin, by or on the Part of any Proprietor in the proposed District; and the said Commissioners, after having considered such Objections (if any)")

Line 30. Leave out (" an ") and insert (" a Provisional ")

Line 31. } after (" such ") insert (" provisional ")
Line 33. }

Line 39. Leave out (" a reasonable Sum of ")

Line 40. Before (" Order ") insert (" Provisional ")

Line 44. After (" required ") insert—

(" Upon the Receipt of the Report of the Inspector, the Commissioners may, by Provisional Order under their Seal, constitute the Area mentioned in the Petition or Report, with such Alterations of Boundaries, if any, as they think fit, a separate Drainage District; and it shall be the Duty of the Commissioners, as soon as conveniently may be, to take all proper Steps for the Confirmation of such Provisional Order by Act of Parliament; and when so confirmed, it shall be deemed to be a Public General Act of Parliament, and take effect accordingly, but previous to such Confirmation it shall not be of any Validity whatever ")

Page 7. Leave out Clause 11.

Page 11.

Line 14. After (" Damage ") insert (" or Injury caused to any " Park or Pleasure Ground which would diminish " the saleable Value of the same ")

Line 16. Leave out (" carry on and ")

Line 17. Leave out (" Undertaking and ")

Page 12.

Line 18. Leave out (" or ") and insert (" for, or which may be ")

Page 14.

Leave out Clause 30.

Leave out Clause 32.

Page 15.

Leave out Clause 33. and insert Clause (A.)

Clause (A.) No Person shall be entitled to take any Proceedings at Law or in Equity for the Recovery of any Compensation or Damages in respect of any Property in any Drainage District by reason of any Works which the Drainage Board thereof shall execute, but his Right to any Compensation or Damages in respect of such Property, and the Amount thereof, shall be ascertained and be recoverable in the Manner herein-before provided, and not otherwise.

Line 37. After (" for ") insert (" every and any "), and leave out (" Boards ") and insert (" Board ")

Line 39. Leave out (" or the Proprietors in the District ")

Page 18.

Line 31. Leave out from ("into") to ("Provided") in Line 35, and insert—

("all the Circumstances of the Case, and may, if after such Inquiry they shall so think fit, make an Order for the Advance to the Drainage Board of the Money required for the Completion of the Works")

Line 38. Leave out ("on the Works in their District")

Lines 41 and 42. Leave out ("and intended")

Page 19.

Lines 2 and 3. Leave out ("as aforesaid")

Line 42. Leave out from ("Commissioners") to ("and") in Page 20, Line 10, and insert—

("may also appropriate to each Proprietor so advancing Monies as aforesaid (if in their Opinion it shall be practicable to do so), a Portion of the entire Charge which shall be proportionate to the Sum so advanced by such Proprietor; and to declare such Proprietor to be entitled, in respect of such Portion, to a specified Charge affecting only certain specified Parcels or Denominations of the said Lands; or to declare any Two or more Proprietors so advancing Monies as aforesaid, to be jointly entitled to any distinct proportionate Part of the Sum or Sums so to be charged on any distinct Parcel or Parcels, Denomination or Denominations of the said Lands, and in such Shares and Proportions between such last-mentioned Proprietors respectively as by such Draft Award shall be specified")

Page 20.

Line 10. Leave out ("shall") and insert ("may")

Page 22.

Lines 4 and 5. Leave out ("Provided nevertheless that") and insert ("and")

Line 5. Leave out ("chief") and insert ("Crown"), and after ("Rent") insert ("or Rentcharge in lieu of Tithe"), and leave out from ("thereout") to the End of the Clause.

Page 24.

Leave out Clause 50.

Line 23. After ("passed") insert Clause (B.)

CLAUSE (B.) All Monies, including the Rentcharges aforesaid, charged by virtue of this Act upon any Lands, shall be held to be chargeable upon the whole of any Denomination or Townland, any Part of which shall be drained or improved under the Provisions of this Act, or upon any Portions thereof belonging to the same

Proprietor, which may by the Award of the Commissioners be made chargeable therewith.

Line 40. After ("by") insert ("or to")

Page 25.

Line 34. After ("be") insert ("a Covenant to the contrary "in"), and leave out ("to the contrary") and insert ("for a Lease")

Line 40. Leave out ("like"), and leave out from ("Priority") to ("aforesaid") in Line 41.

Page 27.

Line 1. Leave out ("Commissioner") and insert ("Commissioners")

Line 3. Leave out ("sustaining") and insert ("maintaining")

Line 27. Leave out the First ("Rent"), and leave out ("Chief") and insert ("Crown"); and leave out from the Second ("or") to ("and") in Line 28, and insert ("Rentcharge in lieu of Tithe issuing "thereout")

Line 30. Leave out from ("assessed") to ("and") in Line 31.

Page 28.

Line 8. After ("Board") add—

("Provided that the said Drainage Board, before they shall sell or dispose of any such Land as aforesaid, shall first offer the same to the Person to whose Estate the same originally belonged, and then to the Person whose Estate shall adjoin thereto, and such Land shall not be sold to any other Person at such Price as the Persons entitled to a Preference shall be willing to give for them, or at any lower Price")

Line 15. At the Beginning of Clause 63. insert ("Except "where a special Mode of Service is provided by "this Act")

Page 29.

Line 27. After ("Expenses") insert Clause A (2.)

CLAUSE A (2.) That every Person upon Examination on Oath or Affirmation before the Commissioners, or any Officer appointed by them, and also every Person making any Affidavit, Declaration, Deposition, or Affirmation, who shall wilfully and corruptly give false Evidence, or shall in such Affirmation, Affidavit, Declaration, or Deposition, wilfully or corruptly swear, affirm, or allege any Matter or Thing which shall be false or untrue, shall be subject to the Pains and Penalties of Persons convicted of wilful and corrupt Perjury by any Law in force for the Time being.

Page 31.

Leave out Clauses 73. and 74. and insert Clauses B(2), C, D, and E.

Clause B (2). If the Commissioners shall be of opinion that for the Purpose of carrying out the Drainage Works in any District, it is necessary to rebuild or alter any existing Bridge, Culvert, or Archway for the Discharge of Water under any public Road, it shall be lawful for any Drainage Board (having first obtained the Certificate of the Commissioners to that Effect), to take down and remove, or to alter such Bridge, Culvert, or Archway, the Drainage Board (when in the Opinion of the Commissioners necessary) constructing a temporary Bridge, Culvert, or Archway in the Place of that so to be taken down, removed, or altered, and supporting and maintaining the same until the Completion of the Works necessary for the Restoration to public Use of such Bridge, Culvert, or Archway; and in every Case where an existing Bridge, Culvert, or Archway shall be taken down and removed, the Drainage Board shall construct a new Bridge, Culvert, or Archway, with the necessary Roads of Approach thereto respectively, according to such Plans, Specification, and Estimate as shall have been submitted to and approved by the said Commissioners; and the Expense of such temporary and permanent Bridge, Culvert, or Archway and Roads, shall (save as herein-after mentioned) form Part of the Costs of the Works in the District in which the same may be situated.

Clause C. Provided always, that in case the Commissioners shall be of opinion that the original Bridge had been so constructed as to be an Impediment to the natural Discharge of the Water, having reference to the State of the River, Stream, or Drain in its unimproved Condition, or in case the said Commissioners shall be of opinion that such new Bridge, Culvert, or Archway, when so constructed, will confer greater Advantages on the Public than the former Bridge, Culvert, or Archway, by affording an improved Means of Communication or otherwise, it shall be lawful for the said Commissioners to issue a Certificate under their Seal declaring the Amount which the County within which such Works shall be situate, ought to contribute towards the Expenses so incurred by the said Drainage Board; and such Certificate shall be laid before the Grand Jury of the said County, at the Assizes next after the issuing of the same, and the Grand Jury of the said County is hereby authorized and required, without any Application to Presentment Sessions, to present the Amount mentioned in such Certificate to be levied off the County at large by such Sums and at such Times as shall be mentioned in such Certificate, and to be paid to the said Drainage Board.

Clause D. Provided also, that where any such new Bridge, Culvert, or Archway shall be over any Stream or River forming a Boundary between Two Counties, the Commissioners shall, in their said Certificate, state that the said Amount shall be chargeable on and paid by the said Counties in equal Moieties, and such Proceedings shall be had with reference to the several Moieties of such Amount, and the Presentment, levying, and Payment of the same respectively, as are herein-before directed with respect to the entire Amount, when chargeable on One County in manner aforesaid.

Clause E. And in case any such Grand Jury shall refuse to present the Sum mentioned in any such Certificate, the Court shall make an Order directing the Treasurer to insert such Sum in his Warrant, and the same shall be levied off such County in the same Manner as if the same had been duly presented by such Grand Jury, and thenceforth such Bridges, Culverts, Archways, and Roads shall be the Property of such County or Counties.

LORDS AMENDMENTS

TO THE

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed,*
22 *July* 1863.

[Bill 259.]

Under 1 *oz.*

Drainage of Land (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Short Title; Sect. 1.
Act to apply to Ireland only; 2.
Definition of Terms; 3.

Part I.

Elective Drainage Districts.

Constitution of Elective Drainage Districts; 4.
Mode of constituting Elective Drainage District; 5.
Evidence of Constitution of District; 6.
Definition of Proprietors; 7.
Trustees to be deemed Proprietors in certain Cases; 8.
Provision as to Proprietorship by Corporations and Companies; 9.
Provision as to Joint Proprietors; 10.
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Arbitrator to make and subscribe Declaration; 23.
Proceedings to ascertain Purchase Money and Compensation for Injuries; 24.
Provisions of Railways Acts (Ireland), 1851 and 1860, as to Ascertainment of Claims, incorporated; 25.

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SCHEDULE.

A

BILL

FOR

The Amendment of the Law relating to the Drainage of Land in Ireland.

Preamble.

WHEREAS it is expedient that greater Facilities should be afforded for the Drainage of Lands in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited for all Purposes as "The Land Drainage Act (Ireland), 1863."

Act to apply to Ireland only.

2. This Act shall extend to Ireland only.

Definition of Terms.

3. "Watercourse" shall include all Rivers, Streams, Drains, Sewers, and Passages through which Water flows:

"Person" shall include any Body of Persons, corporate or unincorporate, unless there is something in the Context inconsistent therewith:

"Commissioners of Public Works" shall mean Her Majesty's Commissioners of Public Works in Ireland for the Time being:

"Owner," as used throughout this Act, shall have the same Meaning as it has in "The Lands Clauses Consolidation Act, 1845:"

"Land" shall extend to all Arable, Pasture, or otherwise profitable and to all waste uncultivated Land, and shall also extend to Messuages, Tenements, Mills, Weirs, Easements, and other Hereditaments, corporeal or incorporeal, and any Estate or Interest therein, and any undivided Part thereof, or any of them:

"Petitioners" shall mean those who shall petition for the Purpose of putting this Act into execution.

PART I.

Elective Drainage Districts.

Constitution of Elective Drainage Districts.

4. Any Persons or Body of Persons, corporate or unincorporate, being Proprietors of not less than *One Tenth* Part in Value of any Bog, Moor, or other Area of Land that requires a combined System of Drainage, Warping, or Irrigation, may, with the Consent of the Commissioners of Public Works, as herein-after mentioned, constitute such Bog, Moor, or other Area of Land a separate Drainage District.

Mode of constituting Elective Drainage District.

5. The following Proceedings shall be taken for the Purpose of obtaining the Sanction of the Commissioners of Public Works:

(1.) A Petition shall be presented to them, stating the proposed Boundaries of the District, by Reference to a Map, or in such other Manner as they shall think expedient, and also stating the Exigencies which render the Formation of such Drainage District necessary: It shall be signed by such Proprietors as aforesaid, and shall be accompanied by proper Schedules, Maps, Plans, and Sections, showing the Drainage Works proposed to be executed within such District, including therein all Works necessary for any Outfall, and showing the Land to be drained or improved by such Drainage, and showing in One or more of such Schedules the reputed Proprietors, Lessees, and Occupiers thereof, and the Lands or other Property required to be taken for or likely to be injured by the proposed Works or the making of any Outfall, and the reputed Proprietors, Lessees, and Occupiers thereof, and showing, so far as may be possible, the Line, Course, and Situation of the Streams, Watercourses, Drains, Rivers, and Lakes intended to be cleared, scoured, or embanked, and the requisite Variations, Divisions, Abridgments, or Enlargements of the same, and the Direction and Extent of any new Drains, Watercourses, or Works necessary to be made, and the Land in and through which the same are to be made; and such Petition shall also be accompanied by an Estimate of the Expense of the proposed Works, including in such Estimate the probable Amount of Money payable as Compensation in respect of any Injury likely to be occasioned by such Works, or for the Purchase of any Land, Houses, Fisheries, Weirs, Mills, or other Property required to be taken or purchased for the Purpose of such Works, and other miscellaneous Expenses likely to be incurred; and such Schedules shall also set forth the then actual Value of the Land to be drained or improved by Drainage by the proposed Works, so far as the Petitioner shall be able to ascertain the same, and the probable Increase in such Value by the proposed Works; and such actual Value and estimated Increase shall be stated in the said Schedules, and also the Proportions in which such Lands shall contribute towards the Payment of the Costs of the proposed Works, specifying such Proportions in the Ratio of the estimated Increase in the Value of such Lands; and the said Petitioners shall cause to be made Copies of the said Schedules, Maps, Plans, Sections, and Estimate, and shall cause such Copies to be deposited in such convenient Place or Places as the said Petitioners shall think proper, within or in the immediate Vicinity of the District in which such Land or River, or Part of a River, shall be situate, there to remain open for public Inspection at all reasonable Times for *Three* successive Weeks; and all Persons shall be at liberty to inspect and make Copies of or Extracts from the said Schedules, Maps, Plans, Sections, and Estimate, and Copies thereof or Extracts therefrom shall be made for any Person who shall require the same, on Payment of the Costs of making such Copies or Extracts:

And the said Petitioners shall cause a Notice, stating the Places in which Copies of the said Schedules, Maps, Plans, Sections, and Estimate have been deposited as aforesaid, to be published in some Newspaper usually circulated in the District in which the Land or River, or Part of a River, proposed to be drained or improved, shall be situated, or in the immediate Vicinity thereof, and also to be posted in the usual Places for posting Grand Jury Notices in or near such District; and in all Cases where it shall be proposed to take or remove any Mill or Factory, or to lower, raise, or modify any Weir, Dam, or other Work or Obstruction connected with any Mill or Factory, a Copy of such Notice shall be served on the Owner, Lessee, or Occupier, or Person in charge of such Mill or Factory, or posted on the Door or Wall thereof; and by such Notice all Parties interested shall be required, on or before a Day to be therein named, not sooner than *Three* Weeks from such Publication and Posting or Service as aforesaid of such Notice, to transmit to the Secretary of the said Petitioners their Objections, if any, to the said Schedules, Maps, Plans, Sections, and Estimate, and all other Objections which such Parties shall think fit to make with respect to anything proposed to be done under the Provisions of this Act; and the Petitioners shall by the same Notice specify their Intention of having an Inspector sent to the District, before whom all Persons interested in the proposed Works, or having any Objection thereto, shall be required to appear at a Time and Place to be fixed by such Notice:

(2.) After the Expiration of the Period mentioned in such Notice for sending in Objections, the said Commissioners shall send an Officer, as an Inspector, to the District, for the Purpose of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto: And they shall deliver to such Inspector the Schedules, Maps, Plans, and Sections which shall have been deposited with them under the Provisions herein-before contained:

(3.) The Inspector shall proceed to the District, and shall make all necessary Inquiries with respect to the Propriety and Necessity of constituting such District, and also with respect to the Area of Land to be comprised therein:

And such Inspector shall, at the Time and Place named in such Notice as aforesaid, attend, and shall have Power to adjourn from Time to Time, or hold such new Meeting as he may find necessary, and shall inquire into the Correctness of the Schedules containing the Names of such Proprietors and Occupiers as aforesaid, and shall hear all such Objections as shall have been or shall then be made by any Person or Persons interested in the said Lands or River, or any Persons on his or their Behalf, as to any Omission or Misdescription in such Schedules, or any Name improperly inserted therein, and shall hear all such other pertinent Objections as shall have been or shall be then and there made by such Person or Persons to the Schedules, Maps, Plans, Sections, and Estimate which shall have been made under the Provisions herein-before contained; and the said Inspector shall also hear and inquire, on Oath or otherwise, into all such Objections by any of the Persons aforesaid to the said proposed Works, as shall have been or shall then and there be made, and also all Objections to the stated Value of the Land, or to the stated probable Increase in such Value, as the same shall have been respectively set forth in the said Schedules, and also into all such Objections as shall have been made, or shall then and there be made, by or on behalf of the Owner, Lessee, or Occupier, or other Person interested in any Mill or Factory likely to be affected by anything proposed to be done in such District under any of the Provisions of this Act, and after having considered all such Objections as aforesaid he shall cause such Alterations (if any) as he may deem expedient to be made in the said Schedules, Maps, Plans, Sections, and Estimate, and shall sign the same; and the said Inspector shall receive and hear all such Evidence as may be offered to him in relation to the several Matters aforesaid, and shall take or receive the Assents in Writing of the Proprietors of the Lands comprised in such Schedules to the Execution of the proposed Works, and the Incorporation of such District; and such Schedules, Maps, Plans, Sections, and Estimate, so signed by the said Inspector, and the Assents which shall be given, shall be preserved by the said Commissioners in their Office in Dublin; and a Copy thereof shall be deposited with the Clerk of the Peace of each County wherein such Works are proposed to be executed, and shall be open to public Inspection at all reasonable Times, on Payment of a Fee of *One Shilling:*

(4.) The Inspector shall report the Result of his Inquiries to the Commissioners, and they may, if satisfied with the Propriety of constituting the District, and that the Proprietors of *Two Third* Parts in Value of such Bog, Moor, or other Area are in favour thereof, make a Provisional Order declaring the Area in such Order mentioned to be a Drainage District; provided that no such Order shall be made authorizing a Drainage Board to remove or injuriously interfere with any Mill Race, Mill Dam, Weir, or other like Obstruction, whereby the Level of Water is raised for milling or other Purpose of Profit, unless, upon the Report of their Inspector, they shall be satisfied that any Injury that may be caused thereby is of a Nature to admit of being fully compensated for by Money:

(5.) Notice of the Provisional Order shall be published by the Petitioners in the Dublin Gazette and in some other Newspaper circulating in the District to which it relates, and

Copies thereof shall be served in such Manner and upon such Persons as the Commissioners may require:

(6.) No Petition for constituting an Elective Drainage District under this Act shall be entertained until the Petitioners have given such Security for Costs, by Deposit of a Sum of Money or otherwise, as the said Commissioners shall require; and in the event of a Drainage District not being constituted in pursuance of a Petition, the Petitioners shall pay all Costs, Charges, and Expenses, including the Expense incurred by reason of the presenting of the Petition and of the Appointment of such Inspector; but in the event of the Drainage District being constituted, such Costs, Charges, and Expenses shall be deemed to be Expenses incidental to the Execution of the Works, and shall be defrayed accordingly; and any Sum of Money which shall have been deposited as a Security for Costs shall be returned by the Commissioners to the Person or Persons by whom the same shall have been deposited, deducting thereout all Expenses which shall have been incurred by the said Commissioners in making the necessary Inspection and Inquiries.

Evidence of Constitution of District.

6. The making of such Order shall be conclusive Evidence that all the Requirements of this Act in respect of Proceedings required to be taken previously to the making of such Order have been complied with.

Definition of Proprietors.

7. The following Persons shall be deemed to be Proprietors for the Purposes of this Act; that is to say,

(1.) Any Person seised or entitled in possession, for his own Benefit, at Law or in Equity, as Tenant in Fee Simple or in Fee Tail, General or Special, or as Tenant by Curtesy, and also any Person who shall be entitled under any Will or Settlement, Act of Parliament, or any other Deed or Instrument (except a Grant or Lease reserving Rent, or an Agreement in Writing for such Grant or Lease), for his own Life or the Life of any other Person, or for Years determinable on such Life or Lives, and also any Person who shall be entitled under any Lease granted by a Bishop or any Collegiate or Ecclesiastical Body, or under any Lease granted by any Person having immediate or derivative Title from or under any Bishop, or any Collegiate or Ecclesiastical Body, which Lease shall contain a toties quoties Covenant of Renewal, and also any Person who shall be entitled for any like Estate in any Lands held under any Grant, Lease, or any other

Deed or Assurance for an Estate in Fee or for a Term of Years absolute, whereof *Forty* Years or more shall be unexpired, or for an Estate or Interest for any Life or Lives, renewable for ever, or for any Term or Terms of Years, renewable for ever:

(2.) Any Body Corporate, any Corporation Sole, any Trustees for Charities, and any Commissioners or Trustees for Ecclesiastical, Collegiate, or other public Purposes, entitled, at Law or in Equity, in the Case of Freehold Estates or Copyhold Estates, in Fee, and in the Case of Leasehold Estates, to a Lease for an unexpired Term of not less than *Sixty* Years.

Trustees to be deemed Proprietors in certain Cases.

8. Where any Proprietor, as herein-before defined, is a Minor, or of unsound Mind, or a married Woman, the Guardian, Committee, or Husband, as the Case may be, of such Proprietor, shall be the Proprietor within the Meaning of this Act; subject to this Proviso, that a married Woman entitled for her separate Use, and not restrained from Anticipation, shall, for the Purposes of this Act, be treated as if she were not married.

Provision as to Proprietorship by Corporations and Companies.

9. Where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, is Proprietor of any Land, such Corporation, Company, Body of Proprietors or Undertakers respectively, shall be deemed to be *One* Proprietor for the Purpose of giving an Assent or Dissent under this Act, and may express their Assent or Dissent in Writing under their Common Seal in the Case of a Corporation, and in any other Case under the Hands of *Three* Directors or other Persons in the Direction or Management of the Company or Concern; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, shall be entitled to dissent individually as a Proprietor in respect of such Land.

Provision as to Joint Proprietors.

10. Where several Persons are Proprietors of Land as Joint Tenants, Coparceners, or Tenants in Common in undivided Moieties, they shall in respect of such Land be accounted as *One* Proprietor, but the Concurrence of the Proprietors of *Two Third* Parts of such Land shall be deemed to be the Concurrence of the whole.

Provision in case of no Proprietor.

11. When any Portion of Land comprised within the Boundaries referred to in any such Petition as is herein-before mentioned appears to have no Proprietor, within the Meaning of this Act, or the Proprietor cannot be found, the Land so circumstanced shall be altogether excluded in any Computation that may be made of the Proportion borne by the dissenting Proprietors of any Area of Land, as hereinbefore provided, to the aggregate Number of the Proprietors of such Land.

Assents may be given by Persons authorized.

12. The Assents of Proprietors required to be given in Writing for any of the Purposes of this Act may be given by the known Agent or Attorney of any such Proprietor or Person duly authorized for all or any of such Purposes.

Powers of Inspector.

13. Any Inspector sent by the Commissioners of Public Works, in pursuance of this Act, may, by himself and his Servants, enter upon any Lands, in order to obtain Information upon any of the Matters aforesaid, and may do all such Things as to him shall seem expedient and necessary for the Purposes of his Inspection and Report, making reasonable Compensation for any Injury which may be done by him or his Servants, and he may also, by Summons under his Hand, require to appear before him any Persons whomsoever, and examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Officer of or acting under any Corporation or Guardians of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control, touching any Matter relating to the Purposes of such Inquiry; and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever refuses to permit any such Inspector or his Servants to do any of the Matters aforesaid, or wilfully disturbs or interferes with him or them in the course of their Inspection, or wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding *Five* Pounds for every such Offence, to be recovered in a summary Manner before Two Justices of the Peace sitting at Petty Sessions in any District within the Jurisdiction of which any of the Lands in the proposed Drainage District are situate, but no Person shall be required to attend before the Inspector in obedience to any Summons unless the reasonable Charges of his Attendance have been paid or tendered to him.

Constitution of Drainage Boards.

14. After the Incorporation of a District the Superintendence of Matters relating to Drainage within such District shall be vested in a Board, a Board, herein-after called a Drainage Board, and such Board shall be a Body Corporate, with perpetual Succession and a Common Seal, having a Capacity to hold Lands for all the Purposes of their Constitution.

Regulations as to Drainage Boards.

15. Subject to any Provisions to the contrary that may be made by the Order constituting the District, the following Regulations shall be made with respect to Drainage Boards:

(1.) The Members of the First Drainage Board shall be named in the Order constituting the Drainage District, and such Order shall fix the Number of which the Board is to consist, the Mode of summoning the First Meeting of the Board, the Qualification of subsequent Members of the Board, and the Time at which the First Members of the Board are to vacate their Offices, such Time not being later than the End of the Month of *September* in the Year following that in which such Order is made:

(2.) The Members of every Board succeeding the First Board shall vacate their Offices on the First Thursday in *September* in each succeeding Year, or on such other Day in *September* as may be prescribed by the Board:

(3.) The Offices of vacating Members shall be filled up by an equal Number of qualified Persons, to be elected as herein-after mentioned:

(4.) Every Member of a Drainage Board going out of Office shall be re-eligible; and if at any Time when an Election of Members ought to take place the Places of any retiring Members are not filled up, the retiring Members whose Places are not filled up shall continue in Office until the succeeding Year:

(5.) Any casual Vacancy occurring in the Board may be filled up by the Board; but any Person so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(6.) During any Vacancy in the Board the continuing Members shall act as if such Vacancy had not occurred:

(7.) If a Member of a Drainage Board is adjudged bankrupt, or applies to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or compounds with his Creditors, such Person shall cease to be a Member of the Board, and his Office shall thereupon be vacant:

(8.) Any Person who acts as Member of a Drainage Board without being duly qualified, or after he has become disqualified, shall incur a Penalty not exceeding *Fifty* Pounds;

and in any Proceeding for the Recovery of such Penalty the Burden of proving Qualification shall be upon the Person against whom such Proceeding is taken:

(9.) All Acts done by any Meeting of a Drainage Board or of any Committee of a Drainage Board, or by any Person acting as a Member of a Drainage Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Board or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

Rules to be observed with respect to Electors of Drainage Boards.

16. Subject to any Provisions to the contrary that may be made by the Order constituting the District, the following Rules shall be observed with respect to the Electors of Drainage Boards:

(1.) The Electors for Members of a Drainage Board for any District shall be the Proprietors of Lands within such District:

(2.) Each Elector shall vote according to the following Scale; that is to say,

If his Property within such District shall be of an annual Value of less than *Fifty* Pounds, he shall have *One* Vote:

If such annual Value amount to *Fifty* Pounds and be less than *One hundred* Pounds, he shall have *Two* Votes:

If it amount to *One hundred* Pounds and be less than *One hundred and fifty* Pounds, he shall have *Three* Votes:

If it amount to *One hundred and fifty* Pounds and be less than *Two hundred* Pounds, he shall have *Four* Votes:

If it amount to *Two hundred* Pounds and be less than *Two hundred and fifty* Pounds, he shall have *Five* Votes:

If it amount to *Two hundred and fifty* Pounds, he shall have *Six* Votes:

If it amount to *Five hundred* Pounds and be less than *One thousand* Pounds, he shall have *Eight* Votes:

If it amount to or exceed *One thousand* Pounds, he shall have *Ten* Votes.

How Value is to be ascertained.

17. For the Purposes of ascertaining the annual Value in the last preceding Section mentioned, and also for the Purposes of ascertaining the Proportions of assenting or dissenting Proprietors under any of the Provisions of this Act, and also for the Purposes of the final Award to be made as herein-after mentioned, the Schedules of Value of the Lands deposited with the Commissioners before the Incorporation of the District, and signed by the Inspector, under the Provisions herein-before contained, shall be binding upon all Persons concerned.

Mode of Election of Drainage Boards, and Proceedings thereof.

18. Subject to any Provisions to the contrary that may be made by the Order constituting the District, the Mode of electing Members of Drainage Boards and the Proceedings of Drainage Boards shall be conducted in manner directed by the Schedule annexed hereto.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated.

19. The Provisions of the Commissioners Clauses Act, 1847, with respect to—

(1.) The Contracts to be entered into and Deeds to be executed by the Commissioners;

(2.) The Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;

(3.) The Appointment and Accountability of Officers of the Commissioners;

(4.) The Accounts to be kept by the Commissioners;

(5.) The giving Notices and Orders,

shall be incorporated with this Part of this Act; and in the Construction of this Part of this Act and the said incorporated Provisions, Part One of this Act, and the Order incorporating the Drainage District, shall together constitute "the Special Act."

General Powers of Drainage Boards.

Declaration of Powers of Drainage Boards.

20. The Powers to be conferred upon Drainage Boards acting within their Jurisdiction by a Provisional Order may extend to all or any of the following Acts:

(1.) To cleansing, repairing, or otherwise maintaining in a due State of Efficiency any existing Watercourse or Outfall for Water, or any existing Wall or other Defence against Water:

(2.) To deepening, widening, straightening, or otherwise improving any existing Watercourse or Outfall for Water, or removing Mill Dams, Weirs, or other Obstructions to Watercourses or Outfalls for Water, or raising, widening, or otherwise altering any existing Wall or other Defence against Water:

(3.) To making any new Watercourse or new Outfall for Water, or erecting any new Defence against Water, to erecting any Machinery or doing any other Act not herein-before referred to, required for the Drainage, necessary Supply of Water for Cattle, (Warping or Irrigation) of the Area comprised within the Limits of their Jurisdiction:

(4.) To make Surveys and Valuations, and to do all other Matters and Things which may be necessary for the Investigation and Execution of the above Works, or of any other Works under this Act:

(5.) To enter upon Lands by themselves, their Servants and Workmen, for the Execution of and carrying into effect the Powers conferred upon them by this Act:

Provided,

(1.) That no Person shall by virtue of this Act be compelled to execute, at his own Expense, any Works which he would not have been compelled to execute if this Act had not passed:

(3.) That full Compensation shall be made for all Injury sustained by any Person by reason of the Exercise by the Drainage Board of the above Powers in the Manner herein-after mentioned:

(4.) That the Exercise of the foregoing Powers shall be subject to the Restrictions herein-after mentioned.

Commissioners of Public Works to appoint an Arbitrator, on Application of Drainage Board.

21. After the Incorporation of a District under the Provisions of this Act, and before any Drainage Board shall enter upon the Execution of the Works, it shall be lawful for the said Commissioners, upon the Application of the Drainage Board, to appoint an Arbitrator between the Drainage Board and the Persons whose Lands are proposed to be taken or injuriously affected by the proposed Works to which the Plans and Estimates deposited as herein-before provided relate, and such Arbitrator shall, in relation to the Lands to be taken and Works to be made by the Drainage Board, as herein mentioned, be the Arbitrator under this Act; and if any such Arbitrator die, or refuse, decline, or become incapable to act, the said Commissioners may appoint an Arbitrator in his Place, who shall have the same Powers and Authorities as the Arbitrator first appointed.

Arbitrator may call for Documents, and administer Oaths.

22. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Drainage Board, or of any Party making any Claim under the Provisions of this Act, which such Arbitrator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses, and the Witnesses for the Drainage Board, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator to make and subscribe Declaration.

23. Before any Arbitrator shall enter upon any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, That I will faithfully
' and honestly, and to the best of my Skill and Ability, hear
' and determine the Matters referred to me under the Provisions of
' the Act [*naming this Act*]. *A.B.*
' Made and subscribed in the Presence of .'

And such Declaration shall be annexed to the Award when made; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Proceedings to ascertain Purchase Money and Compensation for Injuries.

24. Upon the first Appointment of such Arbitrator, the Schedules, Plans, Maps, and Sections which have been deposited with the Commissioners as aforesaid, or Copies thereof, shall be delivered to him by the Commissioners; and thereupon the Drainage Board shall take the same Steps with respect to publishing of Notices in all respects as are required by the Railways Act (Ireland), 1851, and the Railway Act (Ireland), 1860, to be taken by a Railway Company upon the Appointment of an Arbitrator under those Acts, and the same Proceedings shall be thereupon taken by such Arbitrator and Drainage Board respectively as are by the said Acts required to be taken in the Case of Lands to be taken or Works to be done by a Railway Company under the said Acts; and the Arbitrator shall decide upon the Purchase Money to be paid by the Drainage Board for any Lands to be taken, and also upon the Compensation to be paid for injuriously affecting any Estate or Interest of any Person or Persons in any Lands by reason of the Execution of the proposed Works, and also upon the Accommodation Works, if any, to be executed by the Drainage Board; and such Compensation shall be ascertained, and the Amount thereof, when ascertained, shall be paid and recoverable, in the same Manner, and subject to the same Restrictions and Conditions in all respects, and to the same Right of Traverse, as is by the said Acts provided in the Case of the Purchase Money and Compensation for Lands taken or injuriously affected by the Works proposed to be made by any Railway Company; and every Award to be made under the Provisions of this Act shall be subject to the same Provisions as are in the said recited Acts contained with reference to Awards under the said Acts.

Provisions of Railways Acts (Ireland), 1851 and 1860, as to Ascertainment of Claims, incorporated.

25. For the Purposes mentioned in the last Section the Railways Act (Ireland), 1851, and Railways Act (Ireland), 1860, shall be incorporated with this Act; and in the Interpretation of those Acts,

The Expression "the Special Act," used in the said Acts, shall be taken to mean or apply to the Provisional Order sanctioning the Purchase of Lands and the Execution of Works by the Drainage Board:

The Expression "the Railway," used in the said Acts, shall be taken to mean or apply to the Works proposed to be executed by the Drainage Board:

The Expression "the Company," used in the said Acts, shall be taken to mean the Drainage Board who shall have obtained a Provisional Order sanctioning the Purchase of Lands and the Execution of Works in Manner aforesaid.

Assessment of Compensation to Millowners.

26. The Arbitrator under this Act, and also the Jury which shall try any Traverse under this Act, shall have regard, in Cases of Mills or Factories, to any Benefit resulting or which may result from any Improvement which shall be effected by the Execution of the Works in the Water Power or Constancy of Supply of Water to such Mill or Factory, or by Relief from Back Water afforded to it; and every Arbitrator and Jury to whom any Question shall be referred under this Act shall set off such Benefit or estimated Benefit against the Sum or Sums which shall be assessed by him or them for Purchase Money or Compensation by reason of the Execution of the Works.

Provision for Payment of Expenses of Commissioners.

27. The Salary or Remuneration, travelling and other Expenses, of any Arbitrator appointed for any of the Purposes of this Act, and all Costs, Charges, and Expenses (if any) which shall be incurred by the said Commissioners in the Exercise of the Powers vested in them under this Act, shall be paid by the Drainage Board; and it shall be lawful for the Commissioners from Time to Time to require the Drainage Board to advance or deposit in the Bank of Ireland, to the Credit of the said Commissioners, any Sum or Sums of Money which may be required, or give other Security for the Payment of any such Costs, Charges, and Expenses; and the Amount of all such Costs, Charges, and Expenses shall be included in and form Part of the Expenses incidental to the Execution of the Works in the District in relation to which such Expenses shall be incurred, and shall be discharged accordingly.

Arbitrator may direct by whom Costs to be paid.

28. It shall be lawful for the Arbitrator, where he thinks fit, to adjudicate by whom the Costs of such Arbitration shall be borne, and to certify the Amount of the Costs properly payable to the Party entitled thereto in relation to the Arbitration, and the Amount of the Costs so certified shall be paid by the Drainage Board or the Claimant, as the said Arbitrator may award.

After Publication of final Notice, Drainage Board may commence the Works.

29. At any Time after the making of a Final Award, and the Payment of the Purchase Money and Compensation thereunder, as herein-before provided, the Drainage Board may commence and proceed with the Works proposed to be executed for the Drainage or Improvement of the Land to which the Plans, Sections, and

Estimates deposited with the Commissioners of Public Works may relate.

Remedy by summary, Application to the Court of Chancery, in the event of Drainage Boards failing to secure the due Amount of Water Power to the Owner of any Mill or Factory.

30. Any Person interested in any Mill or Factory permanently affected or proposed to be permanently affected by anything done or proposed to be done under the Provisions of this Act may apply by Petition in a summary Way to the Court of Chancery in Ireland, complaining that the due Amount of Water Power has not been properly secured to or for such Mill or Factory, or that any Act has been done or has been threatened or proposed to be done by any Drainage Board, or by any Person acting or pretending to act under the Provisions of this Act, by which permanent Injury has been or may be sustained by such Mill or Factory, or by such Person so interested in respect thereof, and whether the Act complained of has been authorized by this Act or otherwise, and thereupon such Court shall make such Order directing such Proceedings as shall seem proper before One of the Masters of such Court in relation to the Matter of the said Petition; and upon the Report of such Master it shall be lawful for such Court to direct such Works to be made by such Drainage Board as to such Court of Chancery shall seem necessary or proper, and to make from Time to Time such further or other Order, whether for Compensation to any Party interested in such Mill or Factory, or for restraining the Drainage Board or any other Person from doing any Act, or otherwise, as to such Court shall seem just, and to issue any Writ or Writs of Injunction for any of the Purposes aforesaid for which the same may be required; and such Court shall have Power to award Costs to either Party: Provided always, that such Petition shall be presented within *Six* Months after the Act complained of.

Compensation to be ascertained as before provided.

31. No Person shall be entitled to proceed at Law or in Equity for or in respect of any Compensation or Damages which he shall be entitled to by reason of any Works proposed to be executed by any Drainage Board, but the Right to such Compensation or Damages, and the Amount thereof, shall be ascertained in the Manner hereinbefore provided, and not otherwise.

Existing Liabilities.

Saving of existing Liabilities to repair.

32. The Liability of any Person whomsoever to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer or Drain, or any Walls or Works for protecting the Land against the Force or Encroachments of the Sea or of any River, or doing any other Work within the Jurisdiction of a Drainage Board, shall continue, and the same may be enforced as if this Act had not passed.

Drainage Boards may borrow Money for the Purposes of this Act.

33. It shall and may be lawful for Drainage Boards, under this Act, from Time to Time, as Occasion shall require, to borrow and take up at Interest, of and from any Person who shall be willing to advance and lend the same, any Sum or Sums of Money required for defraying the Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of any Works for the Drainage or Improvement of any Land, or otherwise, under or by virtue of this Act, and to include in such Loan Interest upon the Principal Sum which may be agreed to be paid during the Interval between such Loan and the making of the Award relative to the Works for which such Loan may have been contracted; and the Repayment of such Sum or Sums of Money, with Interest at a Rate not exceeding *Five* Pounds per Centum per Annum, shall be secured to the Party lending the same, upon the Monies accruing to the Drainage Board under or by virtue of the Award to be made by the Drainage Board, as herein-after mentioned.

Drainage Boards to grant Debentures to Lenders for Principal and Interest.

34. *In all Cases of Monies to be borrowed and taken up at Interest by Drainage Boards, under the Provisions of this Act, it shall and may be lawful for the Drainage Boards from Time to Time to grant a Security in the Form of Debenture for such Monies, under their Common Seals, to every Person who shall advance any Sum of Money for the Purposes of the said recited Acts or this Act, every such Debenture being numbered in the Order of its Execution by the Drainage Boards, and setting forth the Amount of the Sum for which each such Debenture is issued, and the Rate of Interest payable for the same, and the Period to expire before the same shall upon Notice become payable, with a Reference to the Land for the Drainage or Improvement of which or other Work for the Construction of which such Sum shall have been so borrowed or taken up, and the District within which the same or any of them may be situate; and that every such Debenture shall be made in the following Words, or as near thereto as the Circumstances of the Case will admit:*

Form of Debenture.

No.

Debenture to Lender of Money.

Amount £

Drainage in Ireland, 25 & 26 Victoria, c. .

District
in the County of } *No*

By virtue of an Act passed in the Twenty-fifth and Twenty-sixth Years of the Reign of Her Majesty Queen Victoria, intituled "The Drainage Act (Ireland), 1862," the Drainage Board of the District, in consideration of the Sum of . Sterling to them lent and paid by , doth hereby certify, and it is hereby witnessed, That the Monies to become payable to the said Drainage Board under their final Award, for and in respect of the Drainage, Improvement, and

and other Works in the District of in the County of particularly mentioned, described, and referred to in the Maps, Plans, Schedules, and Estimates deposited with the Commissioners of Public Works in Ireland, pursuant to the said Act, are hereby charged with the Repayment of said Sum of , such Repayment to be made to the said or other the Person entitled thereto in One Payment, at such Time after the Expiration of Years from the Date hereof as may be appointed by the said Drainage Board, pursuant to Notice to be given for that Purpose, with Interest at and after the Rate of per Centum per Annum, such Interest to commence and to be computed from the Day of the Date hereof, and be payable half-yearly, on each First Day of January and First Day of July, until the Principal Sum shall be repaid or be repayable, pursuant to Notice, as aforesaid, which Sum so lent and advanced by the said was taken up and borrowed by the said Drainage Board for the Purposes of said Acts.

In witness whereof the said Drainage Board have hereunto affixed their Common Seal, this Day of .

Entered

Common Seal.

Debentures may be transferred.

And the Monies mentioned in each such Debenture, with the Interest thereon, shall be charged upon and repayable and paid by the said Drainage Board out of the Monies which shall come to their Hands under the final Award to be made by them in respect of the Lands or District for or in respect of which such Monies shall have been borrowed; and any such Debenture may be transferred by any Instrument of Transfer or Assignment endorsed thereon; and all Persons to whom such Securities shall be so given, or other Person entitled thereto by Endorsement thereon as aforesaid, shall be entitled to the Monies accruing and payable under such final Award, according to and in the Order of the Number of each such Debenture as aforesaid: Provided also, that nothing herein contained shall be deemed, construed, or taken to extend to make the Members of Drainage Boards or any of them personally, or their respective Lands or Tenements, Goods and Chattels, liable to the Repayment of any of the Monies to be borrowed or secured in pursuance of this Act, save in so far as they are or may be liable under and by virtue of the Award to be made as herein-after provided: Every such Debenture as aforesaid, and every Assignment or Transfer thereof, shall be chargeable with the same Stamp Duty as a Bond for the like Amount, and the Assignment or Transfer thereof, are by the Laws in force subject or liable to respectively.

Drainage Boards to pay off Debentures on Notice after Period limited for such Purpose.

35. In all Cases of Debentures issued as herein-before provided it shall be lawful for the Drainage Boards, at any Time after the Expiration of the Period when under the Provisions aforesaid any such Debenture may, upon Notice as aforesaid, become payable, to publish a Notice in the Dublin Gazette, and in such other Newspapers as they shall deem fit, fixing a Time, not sooner than *Two Calendar* Months from the Date of such last-mentioned Notice, when the Principal Money secured by any such Debenture shall be paid or payable, having regard to the numerical Order in which the several Debentures for the District shall have been executed by the Drainage Boards; and in such Notice the Debenture to become payable shall be described by the Name of such District in respect of the Works within which such Debenture shall have been so issued, and by the Number on such Debenture; and it shall be lawful for the Drainage Board, at the Expiration of the Time in such Notice stated, to pay off the Monies due on account of any such Debenture mentioned in such Notice; and from and after the Expiration of the Time appointed by the said Notice the Interest upon the Principal Monies secured by any such Debenture shall cease and determine.

Lists of all Debentures to be prepared, and Copies sent to Clerks of the Peace.

36. Drainage Boards shall cause Lists to be made out of all Debentures which shall be issued by them under the Provisions of this Act, specifying the Number of each Debenture, the Name of the Person to whom it has been issued, and the Amount thereby secured to such Person; and Copies of such Lists shall from Time to Time be forwarded by the Drainage Boards to the Clerks of the Peace for the respective Counties within which the Drainage Districts are situate; and such Lists shall be kept by the said Clerks of the Peace in their Office as public Documents, and shall be open to Inspection of all Persons at all reasonable Times, upon Payment of a Fee of *One Shilling*.

Drainage Board to make an Award upon Completion of any of the Works.

37. As soon as conveniently may be after any Works for the Drainage or Improvement of any Land under this Act, or any other Work by this Act authorized to be executed, shall have been completed, the Drainage Board shall draw up or cause to be drawn up an Award or Instrument in Writing, which shall describe the Land or River drained or improved as aforesaid, and the Work or Works which shall have been so completed; and such Award shall also specify the several Quantities belonging to the reputed Proprietors respectively of such Land so drained or improved as aforesaid, and the original Value and the Increase in the Value of the Land so drained or improved; and such Award shall also specify the Amount of the Sums which shall have been expended in and about the Works which shall have been so executed for Drainage, or Improvement by Drainage, and all Expenses incident thereto (including the Interest of all borrowed Monies), and the Proportions of such Sums payable in respect of the several Parcels or Portions of the Land drained or improved by Drainage, towards Payment of the total Amount of the Costs, Charges, and Expenses of such Drainage, or incidental thereto, and whether the same shall be repaid in One Sum or by Instalments, and if by Instalments then said Award shall also specify the several Instalments, and the Manner by and in which such Proportions shall be paid, regard being had to the Degree of Benefit conferred as aforesaid, and the Circumstances of each particular Case; and in the Case where any Water Power shall be improved by any Works so completed under the Provisions herein-before contained, or executed with the Consent of the Proprietors of Mills, under the Provisions of this Act, the said Award shall also specify the Lands liable under the Provisions of this Act to the Payment of the Expenses of the Execution of the Works of such Improvement or incidental thereto, and the Amount of such Expenses, and the Proportions thereof with which such Lands shall be respectively charged, and whether the same shall be repaid in One Sum or by Instalments as aforesaid; and the Drainage Board shall also cause to be inserted in every such Award all such other Determinations, Matters, and Things as the Drainage Board shall think necessary and proper; and the said Drainage Board shall also cause to be specified in every such Award the Proportion in which the Land so improved as aforesaid, and the Proprietors of such Lands in respect thereof respectively, for the Time being, shall in future be annually charged towards the Costs and Expenses which may from Time to Time be incurred in or about the maintaining, cleansing, and keeping in repair the several Watercourses, Sluices, Drains, Ditches, Cuts, Rivers, Lakes, Streams, Tunnels, Culverts, Banks, Bridges, Outlets, Weirs, Engines, Reservoirs, Embankments, Fences, and other Works to be executed under this Act, and shall specify, according to such Proportions as aforesaid, the Rate which shall be payable towards such Costs and Expenses as last aforesaid for the Year next ensuing the Date of each Award.

A Draft of the Award to be printed and published, and a Copy deposited with the Clerk of the Peace.

38. The Drainage Board shall, within *One Calendar* Month next after the making of their said Award, cause a Draft thereof to be printed, and sold at a Price not exceeding *Two Shillings and Sixpence* for each printed Copy thereof, and shall within such Calendar Month cause such Draft or a Copy thereof to be deposited with the Commissioners of Public Works, and another Copy with the Clerk of the Peace for every County wherein the Land or River, or any Part thereof, which shall have been drained or improved, may be situate; and such Clerk of the Peace is hereby authorized and required to receive the same; and all Persons shall have Liberty to inspect the same on the Payment of *Sixpence;* and when such Draft of the Award has been so deposited, the Drainage Board shall cause Notice thereof to be posted in the usual Places for posting Grand Jury Notices in every Barony and County of a City and County of a Town in which such District or any Part thereof shall be situate, and shall also cause a like Notice to be inserted once in each Week for Three successive Weeks in some One or more Newspapers usually circulated in such District or the Vicinity thereof; and the Drainage Board shall by such Notice require all Persons who may desire to lodge Objections to the said Award to lodge the same at such Place within such District and before such Time as shall be specified in the said Notice; and the Drainage Board shall also in the said Notice state that they will proceed to hear any Objections which may be lodged, and to settle the Award, at such Time and Place in or near such District as shall be specified in the said Notice, such Time not to be sooner than Two Calendar Months from the first Publication of such Notice.

Notice thereof to be posted at the usual Places, and inserted in Newspapers, requiring Persons objecting thereto to send in their Objections.

Commissioners to hear and determine Objections (if any) to Award.

39. The Drainage Board shall meet at such Time and Place as they shall so appoint, and shall examine into the Matter of any Objection which shall be so lodged to the Award, and shall hear all such proper Evidence as may be offered to them in respect thereof, and shall make such Alterations (if any) in the said Award as they shall think fit, and may adjourn such Meeting from Time to Time, and shall settle and seal such Award with the Common Seal of the Board.

Persons dissatisfied with Award may lodge Objections, and an Arbitrator may thereupon be appointed.

40. It shall be lawful for any Person or Persons dissatisfied with the said Award, within *Three* Months after the same shall have been made by the Drainage Board, to lodge any Objection or Objections thereto with the Commissioners of Public Works; and the said Commissioners shall, upon the Application of any Person or Persons who shall have lodged any Objection, and after the Expiration of such Period of *Three* Months, appoint an Arbitrator between the Drainage Board and the Persons whose Lands are charged or proposed to be charged by the Award of the Drainage Board; and the Drainage Board shall forthwith cause a Notice to be inserted in some Newspaper circulating in the Drainage District to which such Award relates, stating the Appointment of such Arbitrator, and the Time and Place at which such Arbitrator will attend to hear Evidence in support of all such Objections as shall have been lodged as aforesaid, and requiring all Persons interested to appear at such Time and Place before such Arbitrator; and the Arbitrator so appointed shall attend in pursuance of such Notice, and shall proceed to consider the several Objections which shall have been lodged with the Commissioners of Public Works and such Arbitrator shall hear all such Evidence as may be offered in support of such Objections, and in case it shall appear to him, after full Investigation, that such Objections should be disallowed, he shall disallow the same accordingly; and if all such Objections shall be disallowed, then it shall not be competent for such Arbitrator to entertain any other Question in relation to the Award of the Drainage Board, but such Award shall be deemed to be final and conclusive upon all Parties, as if no Objections thereto had been lodged.

Arbitrator to make Award.

41. In case it shall appear to such Arbitrator that any One or more of such Objections should be allowed, he shall thereupon proceed, after full Inquiries, and after hearing all Evidence which shall be offered to him, to make an Award, which shall set forth the several Particulars herein-before required to be set forth in any Award to be made by the Drainage Board; and such Award, when made by any Arbitrator under this Act, shall be final and binding on all Persons concerned, and such Award shall have the same Effect in all respects as the Award herein-before required to be made by the Drainage Board.

Arbitrator before acting to make Declaration.

42. Every Arbitrator to be appointed under the Provisions lastly herein-before contained shall, before entering upon his Inquiries, make a Declaration, as herein-before required in the Case of an Arbitrator to be appointed before the undertaking of any Works; and such Arbitrator shall have the same Powers of summoning Witnesses, and calling for the Inspection of Documents, and generally for the ascertaining of all Matters to enable him to make his Award, as are by the Railways Act, Ireland (1851), and Railways Act, Ireland (1860), given to an Arbitrator acting under said Acts; and he shall also have Power, by himself and his Servants, to enter upon any Lands within the Drainage District, in case he shall deem it necessary or expedient so to do for the Purposes of his Award.

Costs of Arbitration to be deemed Part of Expenses of Execution of Works.

43. All Costs, Charges, and Expenses of any Arbitration, under the Provisions lastly herein-before contained, shall be deemed to be Portion of the Expenses incidental to the Execution of the Works, and shall be defrayed accordingly; and the Amount of such Costs, Charges, and Expenses shall be borne rateably by the Proprietors within the District whose Lands are chargeable under the Award, and in the Proportion of the Sums chargeable under the said Award, and such Sums shall be recoverable in the same Manner as the Sums made payable by said Award.

Award, when finally settled, to be deposited in the Court of Chancery.

44. Every Award, when finally settled by the Drainage Board, with a proper Map or Plan annexed thereto, describing the District and the Lands therein to which such Award shall relate, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in Ireland within *Three* Months after same shall have been finally settled, and a Copy thereof shall be deposited with the Clerk of the Peace of each County in which such District shall be situate, who is hereby authorized and required to receive and deposit the same amongst the Records of the County; and such Award, when so finally settled and enrolled, shall be binding and conclusive on all Parties, and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with; and the Drainage Board shall, within *One* Month after the said Award shall be finally settled, cause such Award to be printed, and kept for Sale at a Price not exceeding *Two Shillings and Sixpence* for each printed Copy thereof.

Apportioned Expenses to be charged on Lands.

45. The respective Sums of Money which by the Award of the Drainage Board shall be specified as the Proportions or Contributions payable in respect of the several Parcels or Portions of the Land drained or improved by Drainage or by any Works under this Act, towards the total Amount of the Sums expended in and about such Drainage or Improvements as aforesaid, with Interest for such respective Sums of Money at the Rate not exceeding *Five* Pounds per Centum per Annum from the Date of such Award, shall be charged on such several Parcels or Portions of the Land so drained or improved as aforesaid, and that in preference to and with Priority over all Incumbrances on such Land, save those created under the Authority or Provisions of any Act of Parliament; provided nevertheless, that any Quit or Chief Rent issuing thereout or other Incumbrance thereon previously to the Date of the said Award shall have Priority to such Charges to the Extent of the Value of such Land before the Improvements were effected, but no further; and the same respective Sums of Money, with such Interest for the same as aforesaid, shall also be charged upon all such other Land belonging to the same Proprietor, situate within *One* Mile of any Part of the Lands so drained or improved, as the Drainage Boards shall by the said Award, or any Instrument under their Hands and Seals, and enrolled in the said Rolls Office, direct, limit, and appoint, having regard to the Sufficiency of the said Lands to satisfy and secure the Charge thereon, but subject as to such other Land to the full Amount of all Incumbrances affecting the same prior to the Date of the said Award.

46. If any Sum of Money so charged as aforesaid, or any Instalment thereof, or any Interest in respect thereof, shall remain unpaid for the Space of *Three Calendar* Months next after the Time appointed for the Payment of the same by the said Award, then it shall be lawful for the Drainage Board, or any Person authorized by them, to enter upon the Land charged with or liable to the Payment of the Sum of Money or Interest so in arrear, or any Part thereof, (but subject nevertheless to such Quit or Chief Rent or other Incumbrance (if any) as aforesaid), and the Rents and Profits of such Land to receive and take until thereby or otherwise the Sum and Interest so due (together with all Costs and Expenses attending or occasioned by such Entry and Receipt of the Rents, Profits, and Issues of such Land) shall be fully paid and satisfied; and it shall be lawful for the Court of Chancery in Ireland, upon the Application by Petition of the Drainage Board, to appoint a Receiver of the Rents, Profits, and Issues of such Land, which Receiver shall have full Power to receive the same Rents, Profits, and Issues, and apply the same, after Deduction of the necessary Expenses of the Application to the said Court, and of such Quit or Chief Rent issuing out of such Lands and Premises (if any), and without Prejudice to such prior Incumbrances, or any Remedy for the Recovery of the same respectively, in Payment of the Sum and Interest so due, until the same shall be fully paid; and it shall also be lawful for the Drainage Board, if they shall so think fit, to raise such Sum and Interest, and all Costs and Expenses attendant thereon, by Mortgage of such Land or a competent Part thereof; and every such Mortgage, and every Receipt given for the Consideration Money, shall be valid and effectual to all Intents and Purposes whatsoever; and no Mortgagee shall be bound to see to the Application of his Mortgage Money, or to inquire whether the Mortgage made by the Drainage Board is hereby authorized.

In case of Nonpayment of Money so charged Drainage Boards may enter into Receipt of the Rents, and mortgage the Land.

47. Any Person entitled to less than an immediate Estate of Fee Simple may charge (according to the like Priority, and subject to the like Incumbrances as aforesaid,) the Land to which he shall be entitled, and which shall have been drained or improved by Drainage, under the Provisions of this Act, with the Proportion of any Expenses to be defrayed by him under the Award of the Drainage Board, or any Part thereof, with lawful Interest thereon, but so nevertheless that the Charge upon such Lands or Premises shall be lessened in every successive Year (to be computed from the Date of such Award) by the Amount of at least *One Twentieth* Part of the whole Sum of the Instalments charged thereon by the Award of the Commissioners, and the Interest in respect thereof.

Proprietors of less than Fee Simple may charge the Expenses on the Lands.

Tenants paying Monies on account of Landlord to deduct them from Rent.

48. Every Occupier of any Land who, not being a Proprietor thereof within the Meaning of this Act, shall pay any Sum of Money for the Land in his Occupation, on account of his Landlord, any Sum charged thereupon under and by virtue of the Provisions of this Act, shall and he is hereby authorized to deduct and retain out of his Rent the Amount of the Sum of Money which he shall so pay as aforesaid, and the next immediate Landlord of such Occupier, if not himself a Proprietor of such Land within the Meaning of this Act, shall and he is hereby authorized to make the like Deduction from the Rent payable by him, and so on each Sub-Lessee and Sub-Lessor of such Land, not being a Proprietor thereof within the Meaning of this Act, being entitled to deduct the same so charged upon such Land under or by virtue of this Act, from the Rent payable to his next immediate Landlord, until such Deduction shall be made from the Rent payable to a Person being a Proprietor within the Meaning of this Act, who shall not be entitled to make any such Deduction from the Rent, if any, payable by him; and every such Occupier, Sub-Lessee, or Sub-Lessor, paying any such Sum of Money, shall be acquitted and discharged of the Sum so paid by him, as fully and effectually as if the same had been actually paid to his Landlord (except where there shall or may be any Lease or Agreement to the contrary); but nothing herein contained shall extend or be construed to enable any Occupier or Lessee to deduct from his Rent any Costs or Expenses incurred by Nonpayment of the Monies hereby imposed or authorized to be levied.

Drainage Boards to determine Amount of increased Rent to be paid for Land improved.

49. After the Completion of any Drainage Works under this Act, in case any Land which shall be drained or improved by such Drainage Works shall be in the Occupation of a Person who shall not be a Proprietor thereof within the Meaning of the Provisions in that Behalf herein-before contained, or in case any Land so drained or improved shall be held under any Person who shall, within the Meaning of the aforesaid Provisions, be a Proprietor thereof by any other Person or Persons, under any Lease, Agreement, or Contract for a Lease, or shall be held under any Lease, Agreement, or Contract for a Lease granted or made by any Person or Persons having any immediate or derivative Title from or under such Proprietor, then and in such Case the Drainage Board shall determine the Amount of increased Rent or Rents which such Occupant and other Person or Persons having such immediate or derivative Title from or under such Proprietor as aforesaid shall pay in consequence of any Improvement of such Land, regard being had to the Duration, Extent, and Value of the Interest of such Occupant or Person or Persons in such Land, and the necessary Expenses to be incurred in the Cultivation thereof, and the peculiar Circumstances of each Case; and the Landlord or respective Landlords of such Occupant or other Person or Persons, and every intermediate Landlord, shall have the same Remedies for the Recovery of such increased Rent or Rents as he or they was or were entitled to for the Rent or Rents originally reserved; and the Decision of the Drainage Board shall be signified by Endorsement under their Common Seal on the Lease or Instrument, or Leases or Instruments of Demise, or by a separate Instrument, to be executed in like Manner: Provided always, that Notice shall be given by the Drainage Board to the Occupier or other Person whose Rent is proposed to be increased of the Intention to make such Increase, and by such Notice a Time and Place shall be specified at which it shall be lawful for such Occupier or other Person to appear before the Drainage Board, and make any fair and reasonable Objection which he may have to the Rent being increased by the Drainage Board in manner aforesaid.

Appeal to Quarter Sessions.

50. Any Person aggrieved by any such Decision may appeal therefrom to the Chairman of the County or of the Division or Riding of the County in which the principal Office of such Drainage Board shall be situate, and such Chairman may confirm, annul, or modify the same accordingly; but no such Appeal shall be entertained unless it is made within *Four* Months next after the making of such Decision nor unless *Ten* Days Notice in Writing of such Appeal, previously to the Quarter Sessions at which same shall be heard, stating the Nature and Grounds thereof, is served on the Drainage Board, nor unless the Appellant, within *Four* Days after the Service of such Notice, enter into Recognizances, with Two sufficient Sureties, before a Justice of the Peace, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Drainage Boards to hold annual Meetings, and fix the Amount to be raised for Maintenance and Repairs for the ensuing Year.

51. For the Purpose of effectually sustaining and upholding, in all Cases in which Works shall be executed under this Act, all and singular the Drains, Watercourses, Banks, Sluices, Floodgates, Tunnels, Watergates, Buildings, Bridges, Steam or other Engines and other Works, and of supplying in such Cases all Things that may be required to work the same, and for the Payment of all necessary Expenses of Maintenance of Works of Drainage, Reservoirs, and Water Power, and all other Expenses incident thereto, it shall be lawful for the Drainage Board, and they are hereby respectively authorized and required, *once* in every Year, to meet in some convenient Place, and then to determine and fix the Sum of Money that shall be contributed and raised during the then ensuing Year for the Purposes of effecting, sustaining, supporting, and upholding all and singular the aforesaid Works, and for other the Purposes of this Act, and (having regard to and in the Proportions fixed for such Purpose by the said Award) to assess, rate, and tax the Proprietors of the said Land for and towards the Payment and Satisfaction of all such Sums of Money, Costs, Charges, and Expenses as may be required for the Purposes last aforesaid, and for the Payment and Satisfaction of any Sum of Money raised for such Purposes, and the Interest thereof; and the said several Sums so rated and assessed shall be charged on the Land so drained or improved, in preference to and with Priority over all Incumbrances thereon: Provided nevertheless, that any Quit Rent or Chief Rent or other Incumbrance thereon previous to the Date of the final Award herein-before mentioned shall have Priority to such Sums of Money so rated or assessed, to the Extent of the Value of such Land before the Improvements were effected, but no further; and the Drainage Board shall have the same Powers, Rights, and Privileges, by Entry or Mortgage, to enforce the Payment of all such last-mentioned Sums of Money, Costs, Charges, and Assessments, as are herein-before given to them for the enforcing Payment of the Sums charged under their Award as aforesaid.

Service of Notices on Occupiers and Proprietors.

52. All Notices required to be served by Drainage Boards upon the Occupier or Proprietor of any Land shall either be served personally on him or be left at his last usual Place of Abode in Ireland, if any such can, after diligent Inquiry, be found, and in case he is absent from the United Kingdom, and his last usual Place of Abode cannot be found, after diligent Inquiry, it shall be affixed on some conspicuous Part of such Premises.

Notices to Corporations to be left at their principal Office.

53. If any Occupier or Proprietor on whom Notice is to be served is a Corporation Aggregate, or Joint Stock or other Company, or Body of Proprietors or Undertakers, such Notice shall be left at the principal Office of such Corporation, Company, or Body, or if no such Office can, after diligent Inquiry, be found, shall be served on some Agent, if any, of such Corporation, Company, or Body, but if no such Officer or Agent can be found it shall be left with the Occupier of the Lands, or if there be no such Occupier shall be affixed on some conspicuous Part of such Lands.

Commissioners of Public Works may appoint an Officer to inspect and report upon Execution of Works.

54. After the Incorporation of a Drainage District, under the Provisions of this Act, and during the Execution of any Works by the Drainage Board of such District, it shall and may be lawful for the Commissioners of Public Works, upon the Application of any Person or Persons who shall have advanced any Monies for the Purpose of the Works to be executed within such Drainage District, and in case it shall seem expedient to the said Commissioners, to appoint a duly qualified Officer to proceed to the District to inspect the Execution of the said Works, and to report to the said Commissioners upon the Sufficiency or Insufficiency thereof, and thereupon the said Commissioners shall make such Order relative to the Execution, Alteration, or Modification of such Works as to them will seem requisite, and shall transmit such Order to the Drainage Board of such District; and the Drainage Board shall thereupon proceed with the Execution, Alteration, or Modification of such Works, in accordance with the said Order of the Commissioners; and in the event of any Drainage Board wilfully neglecting or refusing to comply with such Orders, it shall be lawful for the Persons who shall have advanced any Monies for the Purpose of the Works to apply by summary Petition to the Court of Chancery in Ireland, and thereupon such Court shall make such Order thereon as shall seem just, and shall issue any Writ or Writs of Injunction to enforce any such Order, and shall have Power to adjudge by whom the Costs of any such Proceedings shall be borne.

Power of Commissioners of Public Works to make Loans to Drainage Boards.

55. It shall and may be lawful for the Commissioners of Public Works in Ireland and they are hereby empowered from Time to Time, out of any Funds at their Disposal, to lend and advance any Sum or Sums of Money which may be necessary for the Purposes of this Act, upon Application to be made to them by any Drainage Board duly constituted, and upon the Credit and Security of the Award herein-before mentioned; provided that no Advance of Money shall be made by the said Commissioners unless with the Consent of the Commissioners of Her Majesty's Treasury; and all such Monies so lent and advanced shall be repaid from and out of the Monies accruing to the Drainage Board under the said Award within such Period, either by One Payment or by half-yearly Instalments of such Amount, and with such Interest, as the said Commissioners of the Treasury shall direct.

Costs of legal Proceedings on Part of Drainage Boards.

56. All Costs, Charges, and Expenses incurred by Drainage Boards in instituting or defending any legal Proceedings instituted or defended by them in their Character of Drainage Boards may be defrayed out of the Rates leviable by them, and no Member of a Drainage Board shall be personally liable in respect of any such Costs, Charges, or Expenses.

Tender of Amends.

Tender of Amends.

57. If any Party has committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act or any Act incorporating a Drainage District, or by virtue of any Power or Authority hereby or thereby given, and if before Action brought in respect thereof such Party makes Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such

Action; and if no such Tender has been made it shall be lawful for the Defendant, by Leave of the Court where such Action is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Saving Clauses, and Miscellaneous.

Saving Rights of Canal Owners and Wharfingers.

58. Nothing in this Act shall authorize any Drainage Board or Owner—

(1.) To interfere with any Sewers or other Works already or hereafter made and used for the Purpose of draining, preserving, irrigating, or improving Land under any Public, Local or Private Act of Parliament, so as to injuriously affect the same;

(2.) To interfere with any Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or the Supply of Water to any Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, so as to injuriously affect the Navigation on such Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or the Use or Maintenance thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are by virtue of any Act of Parliament or otherwise entitled to navigate on or use such Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin, or in respect of the Navigation on or Use of which Lake, River, Canal, Dock, Harbour, Lock, Reservoir, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues;

(3.) To interfere with the Works or Supply of Water of any Body or Persons, corporate or unincorporate, supplying Water to any Town or Place, so as to injuriously affect the same;

(4.) To execute any Works in, through, or under any Wharfs, Quays, Docks, Harbours, or Basins, belonging to the Proprietor or Proprietors of any Inland Navigation constituted by Act of Parliament, or otherwise, or for the Use of which they are entitled by virtue of any Act of Parliament or otherwise to demand any Tolls or Dues;

Without the Consent of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are hereinbefore in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of Individuals under their Hands, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, or Trustees, under the Hand of their Clerk or other duly authorized Officer or Agent.

Commissioners not to divert Rivers so as to injure Harbours.

59. Nothing in this Act shall authorize any Drainage Board to divert any River in such Manner as to injure or to diminish the Supply of Water to any Harbour, without the Consent of the Conservators or other Authority having the Management of such Harbour.

Power for Canal Commissioners to alter Sewers.

60. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal, or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, and certified as such by the Surveyor of the Drainage Board, take up, divert, or alter the Level of Sewers, Drains, Culverts, or Pipes constructed by the Drainage Board, and passing under or interfering with or with the Improvement or Alteration of such River, Canal, Dock, Harbour, or Basin, or the Towing-path of such River, Canal, Dock, Harbour, or Basin, and do all such Matters and Things as may be necessary for carrying into effect such Taking-up, Diversion, or Alteration.

Not to affect Contracts between Landlord and Tenant.

61. Nothing in this Act, save as herein otherwise provided, shall alter, interfere with, or affect any Lease, Contract, or Agreement that may have been entered into between Landlord and Tenant before the passing of this Act.

Penalty on Persons creating Obstructions or Nuisances.

62. No Person shall cause or permit any Obstruction in or otherwise injuriously affect any Watercourse in respect of which any Works shall have been commenced or executed by any Drainage Board, or shall, without the Consent of the Drainage Board, cause any filthy or unwholesome Water, or Washings of Manufactories or Mines, or other foul or poisonous Liquid, to flow into any such Watercourse; and any Person offending against this Enactment shall incur a Penalty not exceeding *Five* Pounds, and a further Penalty of *Forty* Shillings for every Day during which the Offence is continued, to be recovered in a summary Way, as herein-before provided; but this Section shall not apply to any Person having a legal Right to create such Obstruction or other Injury, or to cause such Water, Washing, or Liquid as aforesaid to flow into any existing Watercourse.

Drainage Boards may remove any insufficient

63. If any existing Bridge, Culvert, or Archway for the Discharge of Water under any public Road shall, in the Opinion of the Drainage Board, Bridge, erecting a temporary Bridge.

Board, be insufficient for the free Discharge of such Water, and shall by reason of such Insufficiency cause or tend to cause the flooding of any Land to be drained or improved by the Works of the Drainage Board, it shall be lawful for the Drainage Board to take down and remove such Bridge, Culvert, or Archway, the Drainage Board constructing a temporary Bridge, Culvert, or Archway in the Place of that so to be taken down and removed, and supporting and maintaining the same for the Space of *Twelve* Months, the Expense of the taking down and Removal of such Bridge, Culvert, or Archway, and constructing, supporting, and maintaining such temporary Bridge, Culvert, or Archway, to form Part of the Costs of the Works in the District within which any such Bridge, Culvert, or Archway may be situate: Provided always, that before proceeding to remove any such Bridge, Culvert, or Archway the Drainage Board shall cause *Thirty-one* Days Notice to be given to the County Surveyor of the County or of each County (if more than One) in which such Bridge, Culvert, or Archway shall be wholly or in part situate, stating the Intention of the Drainage Board to remove such Bridge, Culvert, or Archway, and communicating such precise Information, including a detailed Plan and Cross Section of the River or Stream over which a new Bridge, Culvert, or Archway is to be built, as may be requisite to show the Dimensions of the Waterway of such new Bridge, Culvert, or Archway, for the Purpose of enabling the County Surveyor to prepare a proper Plan, Specification, and Estimate for such new Bridge, Culvert, or Archway; and the Surveyor of any such County to whom such Notice shall be given shall at the next Assizes after the Receipt of such Notice lay the same, together with a proper Plan, Specification, and Estimate for such new Bridge, Culvert, or Archway, before the Grand Jury of such County.

Grand Jury of County to present for new Bridge, &c.

64. The Grand Jury of the County in which any such new Bridge, Culvert, or Archway shall be required to be built or constructed is hereby authorized and required (without any Application to Presentment Sessions) to present the Amount necessary for the building of such Bridge, Culvert, or Archway, according to such Plan, Specification, and Estimate as such Grand Jury may approve; and the Grand Jury of such County shall thereupon appoint a Committee of not less than *Three* or more than *Five* Persons, any *Three* of whom shall be a Quorum, to contract and agree with any Party or Persons willing to undertake the building of such Bridge, Culvert, or Archway, or the Grand Jury may authorize and direct that the said Bridge, Culvert, or Archway may be built and constructed under the immediate Superintendence and Direction of the County Surveyor of such County: Provided that when any such new Bridge, Culvert, or Archway shall be over any Stream or River forming a Boundary between Two Counties, the same shall be built or

Provision in case Bridge is on Boundary of Two Counties.

or constructed at the Expense of such Two Counties in equal Moieties, and the Grand Jury of each such County shall (without any Application to Presentment Sessions) present the Moiety of the Sum necessary for building or constructing such new Bridge, Culvert, or Archway, and appoint a Committee as herein-before provided in the Case of One County, and the Committees so appointed shall meet and act as a joint Committee for the Purpose of contracting for the Execution of the Work as aforesaid, at the joint Expense of the said Counties, or the said Grand Juries may authorize and direct that the said Work shall be given in charge to the Surveyors of such Counties, and executed under their joint Superintendence and Direction.

Provision in case of Alteration of local Boundaries.

65. Where, in exercise of any Powers given by this Act, any Watercourse forming a Boundary Line between Two or more Counties, Baronies, Unions, Parishes, or other Areas defined by Law, is straightened, widened, or otherwise altered so as to affect its Character as a Boundary Line, the Board, Persons or Person, under whose Authority such Alteration is made, shall forthwith report the same to the Lord Lieutenant in Council, who, if satisfied that a new Boundary Line may be adopted with Convenience, shall, by Notice, to be published in the Dublin Gazette and in such other Manner as he may direct, declare that the Watercourse as altered shall either wholly or partially be substituted for the former Boundary Line, and the Limits of the Areas of which the Watercourse, when unaltered, was the Boundary, shall be deemed to be varied accordingly; but if the Lord Lieutenant in Council is of opinion that a new Boundary cannot wholly or partially be adopted with Convenience, he shall require the Board, Persons or Person, under whose Authority the Alteration in the Watercourse was made, to set out a Boundary upon the Line of the Watercourse as it existed before its Alteration, or in a new Course in lieu thereof, in such Manner as he may direct and approve; and a Copy of the Dublin Gazette containing the Advertisement in respect of any Alteration of Boundary made in pursuance of this Section shall be admitted as Evidence in all Courts of Justice of the Fact of such Alteration having been made.

Power to Drainage Boards, in case Mill Power be improved, with Owner's Consent, to rate the Mill-owner towards the Expenses of the Works.

66. In case the Proprietor of any Mill or Factory shall consent that any Dam, Weir, or Watercourse, or other Work or Obstruction connected with such Mill or Factory, shall, for the Purpose of Drainage to be effected under this Act, be altered and rebuilt, or that such Mill or Factory shall, by any Works of the Drainage Board, obtain any increased Water Power, it shall be lawful for the Drainage Board to fix and determine the Amount of Rate or Contribution which shall be paid by the Proprietor of such Mill or Factory for the Improvement which shall be so effected, towards the Repayment of the Costs and

Expenses of the Works to be executed within the District within which such Mill or Factory is situate, and the Rate which shall be paid in future for such increased Water Power; and the Drainage Board shall have such and the like Powers and Authorities to recover the Amount of Rate which shall be so fixed and determined as are given to them by this Act for the Recovery of any other Rates or Charges to be imposed by them under the Authority of this Act.

Power to rate Mills and Factories for increased Supply of Water from Works for Drainage, with Assent of Owners of Mills and Factories possessing more than Half the working Water Power.

67. In all Cases of Drainage under this Act, in which it shall be found by the Drainage Board practicable to improve the working Water Power of any Mills or Factories situate within their District, and where the Proprietors of such Mills or Factories possessing more than *One Half* of the Value of the working Water Power of all such Mills or Factories which may derive Benefit from such Works shall signify their Assent in Writing to the Execution of the proposed Works, it shall and may be lawful for the Drainage Board to execute all such Works as may be necessary for the Improvement of such Water Power; and that all and every the Powers, Authorities, and Provisions in this Act given and contained for the Execution of any Works hereunder shall be held and deemed to be applicable to the Execution of the Works which the Drainage Board may deem necessary for the Improvement of such Water Power, and for the Purpose of Contributions towards the Repayment of the Costs and Expenses of the Works to be executed in the District within which any such Mill or Factory may be situate; and it shall and may be lawful for the Drainage Board to assess and rate all the Mills and Factories which in the Opinion of the Drainage Board are or shall be benefited by any of the Works executed within such District, and to fix and determine the Amount of such Rate or Contribution which shall be paid by the Proprietors of each such Mill or Factory for the Improvement which shall be so effected, and also to fix and determine the Proportion in which each such Mill or Factory shall in future be rated for the Maintenance of the Works within any such District, regard being had in fixing such Assessment and Rate and Proportion of Rate respectively aforesaid to the Degree of Benefit conferred upon each such Mill or Factory.

Millowners may appeal against Rate.

68. Any Millowner dissatisfied with the Rate or Amount of the Rate or Contributions so fixed by the Drainage Board may appeal to the next or the ensuing Quarter Sessions for the District in which such Work is situate, and the Justices at such Quarter Sessions shall, upon hearing such Appeal, confirm such Order of the Drainage Board, or vary and alter the same in such Manner as shall seem to them consistent with Justice.

PART

PART II.

Power of Private Owners to procure Outfalls.

Application for Outfall to adjoining Owner.

69. Any Person or Persons interested in Land, who is or are desirous to drain the same, and in order thereto deems it necessary that new Drains should be opened through Lands belonging to another Owner or Owners, or that existing Drains in or immediately adjoining Lands belonging to another Owner or Owners should be cleansed, widened, straightened, deepened, or otherwise improved, may apply to such Owner or Owners, who is or are herein-after referred to as the adjoining Owner or Owners, for Leave to make such Drains or Improvements in Drains through, on, or adjoining the Lands of such Owner or Owners.

Mode of making Application.

70. Any such Application as aforesaid shall be by Notice in Writing under the Hand of the Applicant or Applicants, and shall be served on the Owner or Owners, and also on the Occupier or Occupiers, if the Owner be not the Occupier, in manner in which Notices are required to be served on Proprietors and Occupiers under the First Part of this Act. The Notice shall state the Nature of such Drains or Improvements in Drains, be accompanied by a Map, on which the Length, Width, and Depth of the proposed Drains or Improvements in Drains shall be delineated, and shall further state the Compensation, if any, which the Applicant or Applicants proposes or propose to pay.

Assent of adjoining Owner.

71. The adjoining Owner or Owners may, by Deed under his or their Hand and Seal, assent to such Application, upon such Terms and on Payment of such Compensation as he or they may require, and any Assent so given shall be binding on all Parties having any Estate or Interest in the Land, subject to the following Provisions:

1stly. That any Arrangement entered into by any adjoining Owner under any Disability or Incapacity, or not having Power to assent to such Application except under the Provisions of this Act, shall not be valid unless the same is approved by Two Surveyors, one of whom is to be nominated by the Applicant or Applicants, and the other by the adjoining Owner; and each of such Surveyors, if they approve of the Arrangement, shall annex to the Document containing the same a Declaration to that Effect, subscribed by them:

2dly. That any Compensation to be paid by the Applicant or Applicants to the adjoining Owner in Cases where such Owner is under any Disability or Incapacity, or has not Power to assent to such Application except under the Provisions of this Act, shall be applied in manner in which the Compensation coming to

Parties having limited Interests, or prevented from treating, and not making Title, is applicable, under "The Lands Clauses Consolidation Act, 1845:"

3dly. That any Occupier or Person other than the Owner interested in the Lands shall be entitled to Compensation for any Injury he may sustain by the making of the proposed Drains or Improvements in Drains, so that the Claim therefor be made within Twelve Months after Completion of such Drains or Improvements in Drains, the Amount of such Compensation to be determined, in case of Dispute, by Two or more Justices in Petty Sessions assembled, or if such Occupiers or other Person do not consent, by Arbitration.

Record of Assent of adjoining Owner.

72. The Applicant or Applicants shall forward to the Clerk of the Peace of the County, Riding or Division of the County, wherein the Land is situate the Deed containing the Assent of the adjoining Owner to the proposed Drains or Improvements in Drains, who shall keep the same in his Office as a Record of the Proceedings between the Parties.

Dissent of adjoining Owner.

73. The adjoining Owner shall be deemed to have dissented from the Application made to him if he fail to express his Assent thereto within *One* Month after the Service of the Notice of Application on him; and in the event of such Dissent there shall be decided, by Two or more Justices in Petty Sessions assembled, unless the adjoining Owner require the same within such Period of *One* Month to be decided by Arbitration, the Questions following; that is to say,

(1.) Whether the proposed Drains or Improvements in Drains will cause any Injury to the adjoining Owner, or to the Occupier or other Person interested in the Lands:

(2.) Whether any Injury that may be caused is or is not of a Nature to admit of being fully compensated for by Money.

Result of Decision.

The Result of any such Decision shall be as follows; that is to say,

(1.) If the Decision is that no Injury will be caused to the adjoining Owner, to the Occupier, or other Parties interested in the Lands, the Applicant or Applicants may proceed forthwith to make the proposed Drains or Improvements in Drains:

(2.) If the Decision is that Injury will be caused to the adjoining Owner, Occupier, or other Parties interested in the Lands, but that such Injury is of a Nature to admit of being fully compensated by Money, the Justices or Arbitrators shall proceed to assess such Compensation, and to apportion the same amongst the Parties in their Judgment entitled thereto; and in assessing the Amount of such Compensation the

Justices or Arbitrators shall take into consideration the Benefit, if any, to be derived from such Drains or Improvements by such adjoining Owner, Occupier, or other Persons, and to set off the same against the Amount to be assessed by them for such Compensation; and on Payment of the Sum so assessed the Applicant or Applicants may proceed to make the proposed Drains or Improvements in Drains:

(3.) If the Decision is that Injury will be caused to the adjoining Owner, Occupier, or other Parties interested in the Lands, and that such Injury is not of a Nature to admit of being fully compensated by Money, the Applicant or Applicants shall not be entitled to make the proposed Drains or Improvements in Drains.

Application of Compensation in case of Owners under Disability.

74. Where the Compensation assessed by the Justices or Arbitrators under the last preceding Section is payable to any Owner or other Person who is under any Disability or Incapacity, or is not entitled to receive the same for his own Benefit, such Compensation shall be applied in the Manner in which the Compensation is applicable under the "Lands Clauses Consolidation Act, 1845."

If Drainage Scheme approved of, Map shall be prepared.

75. The Justices or Arbitrators, as the Case may be, in the event of their approving of a Scheme of Drainage as proposed by the Applicant or Applicants, or as modified by themselves, shall cause a Map thereof to be prepared, and shall certify under their Hands the Correctness of such Map; and it shall be the Duty of the Applicant or Applicants to forward the same to the Clerk of the Peace of the County, Riding or Division of the County, wherein the Land is situate, who shall keep the same in his Office as a Record of the Proceedings between the Parties.

Power of Applicant to clear Drains.

76. After Drains have been opened or Improvements in Drains made, in pursuance of Part Two of this Act, it shall be lawful for the Applicant or Applicants, his or their Heirs and Assigns, for ever thereafter, from Time to Time, as it becomes necessary, to enter upon the Lands through which such Drains have been opened or Improvements made, for the Purpose of clearing out, scouring, and otherwise maintaining the same in a due State of Efficiency; and if such Drains or Improvements in Drains are not kept so cleared out, scoured, and maintained in a due State of Efficiency, the Owner or Occupier for the Time being of the Lands through or on which such Drains or Improvements in Drains are made may clear out, scour, and otherwise maintain the same in a due State of Efficiency, and recover the Expenses incurred in such clearing out, scouring, or Maintenance, in a summary Manner, as herein-before provided, from the Applicant or Applicants, his or their Heirs or Assigns.

77. The

Power of adjoining Owner to divert Drains.

77. The Owner for the Time being of the Land through or in which any Drain may be opened or Improvements in Drains made, in pursuance of Part Two of this Act, may fill up, divert, or otherwise deal with such Drains or Improvements in Drains, on condition of first making and laying down in lieu thereof Drains equally efficient; and any Dispute as to the Efficiency of Drains so laid down shall be decided by Two or more Justices assembled in Petty Sessions.

Penalty for obstructing or injuring Drains.

78. Any Person who wilfully obstructs any Person making any Drains or Improvements in Drains, in pursuance of Part Two of this Act, and any Person who wilfully dams up, obstructs, or in any way injures any Drains or Improvements in Drains so opened or made, shall for each Offence incur a Penalty not exceeding *Ten* Pounds, to be recovered in a summary Manner, as herein-before provided.

Costs of Application.

79. All Costs, Charges, and Expenses reasonably incurred by the adjoining Owner in respect of any Application made in pursuance of this Part of this Act shall be defrayed by the Applicant or Applicants.

Provision in case of Change of natural Outfall.

80. Where any Person is desirous, in pursuance of this Part of this Act, of constructing any Drain by means whereof any Brook, River, or other natural Watercourse will be diverted from its ordinary Channel into any other Brook, River, or natural Watercourse, he shall cause a Copy of the Notice hereby required to be served on the adjoining Owner to be published by Advertisement once at least in each of *Three* successive Weeks in some local Newspaper circulating in the District in which the Drain proposed to be constructed is situate, and to be served in manner in which Notices are required to be served under the First Part of this Act (where no special Mode of Service is prescribed) on all Owners of Land abutting upon the Brook, River, or other natural Watercourse into which the Diversion is made, and situate within Four Miles of the Point of Junction, and shall deposit a Copy of the Map hereby required to accompany the Notice served on the adjoining Owner with the Clerk of the Peace of the County, Riding, or Division of a County wherein the proposed Drain is situate; and it shall be lawful for any Person, being the Owner of Land capable of being injured by the proposed Drain, within *Eight* Weeks after the First Notice of the proposed Drain appears in the Newspaper, to serve Notice that he apprehends Injury from such Drain on the Person proposing to make the same, and thereupon such Owner shall be deemed to have dissented, and shall be entitled to the same Rights and Privileges under this Part of this Act as if he were the adjoining Owner.

Appointment of Arbitrators.

81. Where any Question is by this Part of this Act to be decided by Justices or Arbitration, at the Option of an adjoining Owner, Occupier, or other Person interested, Two Arbitrators shall be nominated, one by the Applicant or Applicants, and the other by such adjoining Owner, Occupier, or other Person interested, as the Case may be; and in default of such adjoining Owner, Occupier, or other Person interested in nominating an Arbitrator, it shall be lawful for any Two or more Justices in Petty Sessions, after Notice to such adjoining Owner, Occupier, or other Person, to nominate such Arbitrator; and the Arbitrators shall decide the several Questions mentioned in this Part of this Act, and shall have Power, in case of Disagreement, to call in an Umpire; and such Arbitrators and Umpire, as the Case may be, shall make their Award on the said several Matters, and such Award shall be transmitted and dealt with in all respects as is herein-before provided in the Case of the Decision of the Justices upon the several Questions aforesaid.

Powers of Part II. of Act cumulative.

82. All Powers given by Part II. of this Act shall be deemed to be in addition to and not in derogation of any other Powers now existing by Common Law, or under any Act or Acts of Parliament heretofore passed, and now remaining unrepealed; and every Person may exercise such other Powers in the same Manner as if this Act had not passed, anything herein contained notwithstanding.

SCHEDULE referred to in the foregoing Act.

PART I.

Rules as to Election of Members of Drainage Boards.

The Chairman of the Board of the previous Year, or some Person appointed by him, shall be the Returning Officer.

If at any Time, from any Default of such Chairman as aforesaid, or from any Reason, there is no Returning Officer, or such Returning Officer is unwilling or unable to act, the Members of the Board of the preceding Year may appoint a Returning Officer in his Stead.

The Election of new Members shall take place on the *first Thursday*, or on such other Day as may be appointed by the Board, in *September* in every Year excepting the Year in which the Order in Council is made.

On every Occasion of the Election of new Members of the Board the Returning Officer shall convene a Meeting of the Electors for the Purpose of such Election, and shall give Notice of such Meeting, and of the Time and Place at which it is to be held—

By Advertisement in some *One* or more of the Newspapers circulating in the District;

By causing a Copy of such Notice to be affixed to the outer Door of the principal Office of the Board.

The Returning Officer shall preside and regulate the Proceedings at such Meeting.

At any such Meeting as aforesaid any qualified Person or Persons may, if he or they consent thereto, be nominated by any Elector, and seconded by any other Elector, as a Member or Members of the Board, in the Place of any retiring Member or Members.

If more Candidates are proposed than the Number to be elected, the Returning Officer shall, if required by the Electors at such Meeting, forthwith, in such Manner as shall appear to him most convenient, ascertain the Number of Votes for the Candidates who shall have been so proposed, and the Election of such Candidates shall be determined by the Majority of such Votes; but if no more Candidates are proposed than the Number to be elected, or if the Electors do not require the Votes to be taken, then a Declaration by the Returning Officer that the Candidates are elected Members of the Board shall be Evidence of the Fact.

For the Purpose of ascertaining the Votes of the Electors, the Returning Officer may, if he thinks fit, or if it shall be necessary or expedient, hold an adjourned Meeting of the Electors, at such Time and Place as he may fix at such First Meeting, and the Time and Place of such adjourned Meeting shall be publicly announced by him at the *First* Meeting, to be held as before provided.

Votes may be given either personally or by Proxy. A Proxy shall be appointed under the Hand of the Appointer, but he shall not be entitled to vote unless the Instrument appointing him was deposited at the Office of the Board *Seven* Days before the Day of Election at which such Proxy proposes to vote; but no Person shall be appointed a Proxy unless he is a qualified Elector.

The Returning Officer shall cause to be entered in the Polling Books to be kept for that Purpose the Name and Address of every Voter, and the Manner in which he votes.

After the Election the Returning Officer shall as soon as possible publish the Names of the Candidates elected as herein mentioned,—

(1.) By Advertisement in some *One* or more Newspaper or Newspapers circulating in the District:

(2.) By affixing a List of such Candidates to the outer Door of the principal Office of the Board.

PART II.

Rules as to Proceedings of Drainage Boards.

1. A Drainage Board shall meet together for the Despatch of Business, and shall from Time to Time make such Regulations with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Condition:—That

(*a.*) No Business shall be transacted at any Meeting unless at least *Three* Members are present at the Commencement and Close of such Business:

(*b.*) No Order involving an Expenditure of more than *One hundred* Pounds shall be made by the Board unless at the least *One Month's* previous Notice, specifying the Work to be undertaken or the other Matter to which such Order relates, and naming a Day on which a Meeting of the Board is to be held for considering the Matter to be ordered, has been sent by Circular to each Member of the Board:

(*c.*) All Questions shall be decided by a Majority of Votes of the Members present:

(*d.*) The Names of the Members present, as well as of those voting upon each Question, shall be recorded.

2. The Board shall, at their First Meeting, and afterwards from Time to Time at their first Meeting after each annual Election, appoint One of their Number to be Chairman for the Year following such Choice.

3. If any casual Vacancy occurs in the Office of Chairman, the Board shall, as soon as they conveniently can after the Occurrence of such Vacancy, choose some Member of their Number to fill such Vacancy; and every such Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Vacancy had not happened.

4. If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting:

5. In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.

6. The Board may delegate any of their Powers to Committees, consisting of such Member or Members of their Body as they think fit. Any Committee so formed shall, in the Exercise of the Powers delegated, conform to any Regulations that may be imposed on them by the Board.

7. A Committee may elect a Chairman of their Meetings. If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.

8. A Committee may meet and adjourn as they think proper. Questions at any Meeting shall be determined by a Majority of Votes of the Members present; and in case of an equal Division of Votes, the Chairman shall have a Second or Casting Vote.

9. The Board shall cause Minutes to be made, in Books provided for that Purpose,—

(1.) Of all the Appointments of Officers made by the Board;

(2.) Of the Names of the Members present at each Meeting of the Board and Committees of the Board;

(3.) Of all Orders made by the Board and Committees of the Board; and,

(4.) Of all Resolutions and Proceedings of Meetings of the Board and of Committees of the Board.

And any such Minutes as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of the Board or Committee of the Board, shall be receivable in Evidence without any further Proof.

22 *June* 1863. 26 & 27 Vict.

A

BILL

INTITULED

An Act giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes.

Preamble.

5 Vict. Sess. 2. c. 2.

7 & 8 Vict. c. 65.

WHEREAS by the original Constitution of the Duchy of Cornwall the Possessions thereof were so settled and limited that they should at no Time be in anywise separated or alienated therefrom: And whereas an Act was passed in the Second Session of Parliament held in the Fifth Year of the Reign of Her present Majesty, Chapter Two, by which the Power to make Leases and Grants of the Possessions of the said Duchy, upon the Terms and Conditions in that Act specified, was given or confirmed to His Royal Highness Albert Edward Prince of Wales and Duke of Cornwall: And whereas by an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Sixty-five, certain Powers of selling and exchanging Lands and enfranchising Copyholds, Parcel of the Possessions of the Duchy of Cornwall, and for purchasing other Lands, were conferred on the Council of His Royal Highness during His Minority: And whereas it is expedient with a view to the Consolidation and more advantageous Management of the Possessions of the Duchy of Cornwall that the Possessor for the Time being of the said Duchy should, subject to the Restrictions herein-after mentioned, have Power to make sale and dispose of the Possessions of the said Duchy, and to grant Leases thereof, and that certain Regulations regarding Leases of the Possessions of the said Duchy should be established by Law in the Manner herein-after appearing: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of 5 Vict. Sess. 2. c. 2. and 11 & 12 Vict. c. 83. s. 4.

1. The said Act of the Fifth Year of the Reign of Her present Majesty, Chapter Two, and the Fourth Section of an Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Eighty-three, shall be and the same are hereby repealed.

Establishing a Seal to be called "The Seal of the Duchy of Cornwall."

2. There shall be a Seal, to be called "The Seal of the Duchy of Cornwall," which shall be held from Time to Time by the Personage for the Time being entitled to the Possessions of the Duchy of Cornwall, or by some Person lawfully appointed to be the Keeper thereof.

Power of Sale and Enfranchisement.

3. It shall be lawful for the Duke of Cornwall, and he is hereby authorized and empowered, at any Time or Times hereafter, within a Period of Thirty-one Years from the passing of this Act, to dispose of, either by way of absolute Sale, or for a limited Period, or by way of Enfranchisement of any Copyhold or Customary Tenements, to any Person any Part of the Possessions of the Duchy of Cornwall, and any Sale, Disposal, or Enfranchisement may be made subject to any Reservations, Exceptions, and Restrictions, and in consideration of either a gross Sum of Money or an annual Sum, or partly of a gross Sum of Money and partly of an annual Sum, and where such Consideration shall consist either wholly or in part of an annual Sum of Money the same shall, in the Case of an absolute Alienation in Fee, be perpetual, and in case of an Alienation for a limited Period only, be payable during the Continuance of the Estate or Interest to be parted with, such annual Sum to be issuing and payable out of and charged and chargeable upon the Possessions which shall be the Subject of such Sale, Disposal, or Enfranchisement; and in determining the Amount of such Consideration the Circumstances attending any disputed Right or Claim, and the Outlay (if any) which may have been previously made in reclaiming, building upon, inclosing, or otherwise improving the Premises intended to be sold, disposed of, or enfranchised, may be taken into account, and an Abatement or Allowance made in respect thereof, as to the Duke of Cornwall shall seem fair and reasonable; and the aforesaid Power of Enfranchisement shall include the Enfranchisement of Copyhold Tenements held for a Life or Lives, and authorize the Conveyance of the Fee Simple of the Freehold thereof.

Mode of carrying Sales into effect.

4. On every such Sale, Disposal, or Enfranchisement, where the Consideration for the same shall be wholly or in part a Sum of Money in gross, the Amount thereof shall be paid into the Bank of England, and the Cashiers of the Bank of England, or One of them, shall, upon the Production of any Note signed by the Keeper of the Records of the Duchy of Cornwall or his Deputy, specifying the Sum to be so paid, and that it is to be so paid to the Account of the said Duchy, accept and receive the same, and carry the same to the Account aforesaid (which Account the Governor and Company of the Bank of England are hereby required to open), and give a Receipt for the same without Fee or Reward; and where the Consideration for such Sale, Disposal, or Enfranchisement shall be wholly or in part an annual Sum of Money, such annual Sum shall be considered and dealt with as forming Part of the Revenues of the Duchy of Cornwall; and such annual Sum may be made subject to Repurchase or Redemption at such Times and for such gross Sum of Money as to the Duke of Cornwall shall seem reasonable and expedient; and in the event of such Repurchase or Redemption the Money to be paid for the same shall be paid into the Bank of England, and dealt with in the same Manner as if the same had arisen from a Sale for a gross Sum of Money in the first instance.

Form of Assurance.

5. The Grant or other Assurance for carrying such Sale, Disposal, or Enfranchisement into effect shall be by Deed under the Seal of the Duchy of Cornwall, and where the Consideration for the same shall be wholly or in part a gross Sum of Money, a Memorandum shall be endorsed on such Deed, and signed by the Auditor for the Time being of the Duchy of Cornwall acknowledging that the Amount of such gross Sum of Money has been duly paid into the Bank of England in the Manner herein-before directed, and specifying the Date of Payment; and every such Deed, after the same shall have been enrolled in the Manner herein-after provided, shall be valid and effectual against the Duke of Cornwall, and sufficient to vest in the Person therein named as the Grantee the Possessions expressed to be thereby granted, disposed of, or enfranchised, either absolutely and in Fee Simple, or for such less Estate or Interest as shall be therein expressed to be parted with, subject only to such Reservations, Exceptions, Restrictions, and Conditions as shall be therein contained, to such Uses, and upon and for such Trusts (if any) as shall in and by such Grant or Assurance, or by reference therein to any other Instrument, be expressed or declared of or concerning the same, and shall be an effectual Discharge for the Purchase or Consideration Money in such Deed expressed to have been paid; and such Deed and the Memorandum of Acknowledgment (if any) to be endorsed thereon as aforesaid may be according to the Form applicable to the Case set forth in the Schedule annexed to this Act, or any other Form which may be deemed more convenient.

Remedy for Recovery of annual Sums.

6. Where the Consideration for any such Sale, Disposal, or Enfranchisement shall consist either wholly or in part of an annual Sum of Money, either perpetual or to continue for a limited Period only, the Duke of Cornwall shall and may have and exercise all such Powers and Remedies for the recovering and obtaining Payment of every such annual Sum as such Duke of Cornwall might have and exercise if such annual Sum were a Rent Service reserved on a Demise or Lease made by the Duke of Cornwall of the Possessions out of or in respect of which such annual Sum shall be reserved or made payable; and the Duke of Cornwall, on the Repurchase or Redemption of any such annual Sum or any Part thereof, may, by Deed under the Seal of the Duchy of Cornwall, release the whole, or, in the Case of a partial Repurchase or Redemption, a proportionate or other Part of the Land or Hereditaments chargeable therewith, from all future Payments of such annual Sum, or Part thereof, as the Case may be, and from all Claims and Demands in respect thereof.

Power to release a Portion of the Lands chargeable.

Power to purchase Lands.

7. It shall be lawful for the Duke of Cornwall at any Time or Times hereafter to purchase any Manors, Lordships, Advowsons, Messuages, Lands, Mines, Minerals, Tenements, or Hereditaments in England in Fee Simple, or any Copyhold Lands or Tenements of Inheritance, the Freehold of which shall be Parcel of the Possessions of the Duchy of Cornwall, or any Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges or Rights, and all such Manors, Lordships, Advowsons, Messuages, Lands, Mines, Minerals, Tenements, and Hereditaments, Rents, Pensions, Annuities, Rights of Common and Mining, and other Charges and Rights so to be purchased, shall be conveyed, released, or surrendered to the Duke of Cornwall, and the Conveyance or other Assurance thereof may be either according to the Form for that Purpose set forth in the Schedule hereto annexed, or in any other Form which shall be more convenient; and all Manors, Lordships, Advowsons, Messuages, Lands, Mines, Minerals, Tenements, and Hereditaments which shall be so purchased, and shall not be extinguished by the Conveyance, Release, or Surrender thereof, shall, on the Completion of the respective Purchases thereof, become to all Intents and Purposes Part and Parcel of the Possessions of the Duchy of Cornwall, and be subject to the same Limitations, Provisions, Powers, and Authorities in every respect, including the Powers and Provisions in this Act contained, as the other Possessions of the said Duchy.

Application of the Monies to arise from Sales, &c.

8. All gross Sums of Money to arise and be received under the Authority of this Act for or in respect of any Sale, Disposal, or Enfranchisement of any of the Possessions of the said Duchy shall be applied in the Payment of the Expenses on the Part of the Duke of Cornwall of or relating to such Sale, Disposal, or Enfranchisement, and in Payment of the Purchase Monies of any Manors, Lordships, Advowsons, Messuages, Lands, Mines, Minerals, Tenements, Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges or Rights to be purchased under the Authority of this Act, and in Payment of the Expenses in or relating to such Purchases, or in the Redemption of Land Tax chargeable upon or affecting any of the Possessions for the Time being of the Duchy of Cornwall, and the Expenses attending the same; and all Contracts for such Redemption may be entered into by the Lord Warden for the Time being of the Stannaries in Cornwall and Devon, or such other Person as the Duke of Cornwall shall or may, by Sign Manual Warrant or otherwise, nominate or depute for that Purpose; and any Part of such gross Sums of Money may be from Time to Time advanced and applied for the Purpose of permanently improving the Possessions for the Time being of the Duchy of Cornwall, by Inclosure or by erecting Buildings or executing Drainage or other Works thereon: Provided always, that all Sums so to be advanced for Improvements shall be a Charge upon and be repaid from the Revenues of the said Duchy to the Account of the Duchy of Cornwall at the Bank of England by annual Instalments of not less than One Thirtieth Part thereof in every Year, and it shall be the Duty of the Receiver General of the Duchy of Cornwall and he is hereby required to see that such annual Instalments are paid accordingly; and such annual Instalments shall be applicable in like Manner as if the same had been Sums of Money arising by Sales of Parts of the Possessions of the Duchy for gross Sums under the Powers of Sale herein-before contained: Provided always, that the Amount advanced for Improvements as aforesaid, and not repaid, shall not at any One Time exceed the Sum of Thirty thousand Pounds.

Power to grant Annuities in lieu of Estates surrendered.

9. It shall be lawful for the Duke of Cornwall from Time to Time, on the Extinguishment, by Surrender or otherwise, of any Leasehold, Copyhold, Customary, or other outstanding Interest in any of the Possessions of the Duchy of Cornwall, to give and grant to the Lessee or other Person entitled to the Estate or Interest so to be extinguished, his Executors, Administrators, and Assigns, an Annuity or yearly Sum of Money, to be payable during the Period for which the Estate or Interest, if not so extinguished, would have continued, or for such other Period as to the Duke of Cornwall shall appear expedient, and to be issuing out of and chargeable upon the Possessions in which such Estate or Interest shall have existed, and the Deed for carrying such Arrangement into effect shall be under the Seal of the Duchy of Cornwall, and may be in the Form for that Purpose contained in the Schedule annexed to this Act, or in any other Form which shall be more convenient; and the Grantee of such Annuity or yearly Sum, his Executors, Administrators, and Assigns, shall have and may exercise the same Remedies for recovering and enforcing Payment thereof by Distress and Entry upon the Hereditaments to be charged therewith as if it had been a Rent Service reserved upon a common Demise of the same Hereditaments; but no Right of Action or Suit against the Duke of Cornwall shall accrue to any Person in consequence of the Nonpayment of any such Annuity or yearly Sum.

Provision for Settlement of disputed Rights.

10. It shall be lawful for the Duke of Cornwall to make or sanction such Arrangement as may from Time to Time be considered expedient for the Settlement of any Question which may arise touching or concerning the Boundary or Extent of any of the Possessions of the Duchy of Cornwall, or the Title to any Property, or to any Right of Common, Right of Way, Water Right, or other Right whatsoever being or reputed or claimed to be Parcel of or appurtenant to the Possessions of the Duchy of Cornwall, or to any Right exercised or claimed to be exercised in, over, or upon any Part of the Possessions or reputed Possessions of the said Duchy, or touching or concerning any other Matter having relation to or affecting the same Possessions or any of them, and for that Purpose, by Deed under the Seal of the Duchy of Cornwall, in such Form as may be deemed expedient, to give up or relinquish or to admit the Title to any such Property or Right, and in case of any such Relinquishment or Admission to accept any Land, Tenements, or Hereditaments, or any Sum of Money in lieu of or by way of Consideration for the Property or Right the Title to which shall be so relinquished or admitted, and to authorize the Payment from Time to Time to any Person of any Rents or other Profits to be derived from, or any Purchase Monies to be received on account of the Sale of, any such Property or Right or any Portion thereof respectively, and any Person claiming to be entitled in possession, either for Life or for any greater Estate, and either at Law or in Equity, to the Rents and Profits or the Interest or Income or the Use and Enjoyment of any such Property or Right, may enter into any Agreement for any of the Purposes aforesaid; and when any Deed, Agreement, or Writing effecting or purporting to effect any such Arrangement as aforesaid shall have been enrolled as herein-after mentioned, the same shall be binding and conclusive on the Duke of Cornwall and every Party in anywise interested or claiming to be interested in the Subject-matter thereof, and any Land, Tenements, Hereditaments, or Money so to be accepted by the Duke of Cornwall shall be considered and treated as Property purchased by the Duke of Cornwall, or, as the Case may be, as Money arising from a Sale for a gross Sum of the Possessions of the Duchy of Cornwall under the Powers of this Act.

Sales, &c. to be made under Warrant from the Treasury.

11. No Sale, Disposal, or Enfranchisement under the Powers herein-before contained, nor any Charge, or Arrangement by way of Compromise, of, upon, or concerning any of the Possessions of the Duchy of Cornwall, nor any Repurchase or Redemption of an annual Sum reserved or made payable on any Sale, Disposal, or Enfranchisement under the Powers of this Act, nor any Purchase under the Powers of this Act, except where the Consideration payable upon such Purchase shall not exceed the Sum of Five hundred Pounds, shall be made, and no Capital Monies shall be applied for the Purpose of Improvements under the Power herein-before in that Behalf contained, without the previous Sanction and Approval of the Lord High Treasurer, or of the Commissioners of the Treasury for the Time being, or some Two or more of them, to be signified by some Warrant under his or their Hand or Hands; and such Sanction and Approval may be given either for any particular Class of Cases, or for any particular Sale, Disposal, Enfranchisement, Charge, Arrangement by way of Compromise, Purchase, or Outlay for the Purpose of Improvements, and either with or without any Condition or Restriction, as to the said Lord High Treasurer, or the Commissioners of the Treasury, or any Two of them, shall seem meet.

Payments to be made by Drafts on the Bank of England.

12. All Payments out of the Monies which shall have been paid into the Bank of England to the Account of the Duchy of Cornwall under the Authority of this Act, shall be made by Draft under the Hands of some Three Persons, or Three out of a larger Number of Persons, (being Councillors in or about the Affairs of the said Duchy, or regular Officers of the said Duchy, who by virtue of their several Appointments and Offices are concerned in the general Superintendence and Management of the Revenues and Affairs of the said Duchy,) whom the Duke of Cornwall shall, by Sign Manual Warrant, authorize in that Behalf, and Drafts so drawn shall be sufficient Authority to the Governor and Company of the Bank of England to pay the Amount thereof to the Person or to the Order of the Person mentioned in such Drafts, or the Bearer of them.

Sums arising from Sales and not immediately wanted to be invested in the Three per Cents.

13. It shall be lawful for the Duke of Cornwall to cause any Monies to arise or be received from or in respect of any Sale, Disposal, or Enfranchisement of any of the Possessions of the said Duchy, and which may not be immediately wanted for any of the Purposes to which the same are hereby made applicable, to be laid out in the meantime in the Purchase of Three Pounds per Centum Bank Annuities, in the Name or to the Account of the Duchy of Cornwall, in which Name or to which Account the Governor and Company of the Bank of England are hereby authorized and required to permit Transfers to be made of the Annuities to be so purchased, and such Transfers may be accepted by some Officer of the said Duchy, or by some other Person authorized in that Behalf by the Duke of Cornwall.

Application of Dividends.

14. The Dividends on the Stocks and Annuities to be purchased as last aforesaid shall from Time to Time, as the said Dividends shall become due, be paid by the Governor and Company of the Bank of England to the Receiver General of the said Duchy, or his Deputy or lawfully authorized Attorney, and shall be deemed and taken to be Part of the Revenues of the said Duchy, and shall be from Time to Time accounted for, applied, and appropriated to such and the same Uses and Purposes as the other Revenues of the said Duchy.

Stocks purchased may be sold when Funds are required.

15. When and so often as it shall be necessary or expedient to raise any Sum of Money for any Purpose to which Monies to be received under the Authority of this Act from any Sale, Disposal, or Enfranchisement of the Possessions of the said Duchy are hereby made applicable, it shall be lawful for the Duke of Cornwall from Time to Time to direct the Sale of all or any Part of the said Bank Annuities so to be purchased in the Name or to the Account of the Duchy of Cornwall as aforesaid, and the Monies produced by the Sale of such Bank Annuities shall be paid into the Bank of England, and be placed to the Credit of the Duchy of Cornwall, and shall be applied and disposed of in the same Manner and for the same Purposes as and considered in all respects as Part of the Monies to be received under the Authority of this Act for or in respect of any Sale for a gross Sum of Money of any of the Possessions of the said Duchy.

Transfer of Stock may be made under Power of Attorney.

16. All Sums of Stock which shall be sold under the Provisions herein-before contained may be transferred by any Person to be appointed for that Purpose by any Letter of Attorney under the Hands and Seals of some Three of the Persons authorized to sign Drafts as aforesaid, and the Governor and Company of the Bank of England shall and they are hereby authorized and required to permit all such Transfers to be so made, and shall be and they are hereby exonerated and precluded from seeing or inquiring whether the Bank Annuities sold were duly and properly sold for the Purposes and in pursuance of this Act, or otherwise as to the Propriety or Regularity of the Sale or Transfer thereof.

Monies and Stock standing in the Name of the Duke of Cornwall at the Bank of England to be treated as arising under this Act.

17. All Monies which at the Time of the passing of this Act shall be standing to the Credit of the Account of the Duke of Cornwall at the Bank of England, or which shall be payable to the Credit of that Account, or may be received upon any Sale of any Part of the Possessions of the said Duchy under the Provisions of any other Act of Parliament, shall be considered as forming Part of the Monies arising from a Sale of the Possessions of the Duchy of Cornwall under the Provisions of this Act, and be carried over or placed to the Account of the Duchy of Cornwall at the Bank of England, and shall be dealt with accordingly; and all Bank Annuities which at the Time of the passing of this Act shall be standing in the Name of the Duke of Cornwall in the Books of the Governor and Company of the Bank of England, shall be considered as having been purchased with Monies arising from a Sale of the Possessions of the Duchy of Cornwall under the Provisions of this Act, and be transferred to the Account of the Duchy of Cornwall, and be dealt with accordingly; and all Orders and Letters of Attorney which may be required by the Governor and Company of the Bank of England for effecting any such carrying over or Transfer may be under the Hands or under the Hands and Seals of some Three of the Persons authorized to sign Drafts as aforesaid.

Power to refer Disputes to Arbitration.

18. In case of any Difference between the Duke of Cornwall and any Person whomsoever as to the Terms of any Arrangement for the Settlement of any Question which may arise touching or concerning the Boundary or Extent of any of the Possessions of the Duchy of Cornwall, or the Title to any Property, or to any Right of Common, Right of Way, Water Right, or other Right whatsoever, being or reputed or claimed to be Parcel of or appurtenant to the Possessions of the Duchy of Cornwall, or the Title to any Right exercised or claimed to be exercised in, over, or upon any Part of the Possessions or reputed Possessions of the said Duchy, or touching or concerning any other Matter having relation to or affecting the same Possessions, or any of them, then and in every such Case, and so often as the same shall happen, it shall be lawful for the Duke of Cornwall, with such Sanction and Approval of the Lord High Treasurer or of the Commissioners of the Treasury as is herein-before mentioned, to authorize the same to be referred to the Arbitration or Arbitration and Umpirage of such One or more Person or Persons, and upon such Terms and in such Manner in all respects as the Duke of Cornwall shall think fit, and for that Purpose to authorize such Agreement for Reference to be entered into on behalf of the Duke of Cornwall as may be deemed advisable; and the Award to be made in pursuance of any such Reference, when enrolled as herein-after mentioned, shall be binding and conclusive on the Duke of Cornwall and every other Party to the Reference, and the Heirs, Executors, Administrators, and Assigns of such other Party.

Purchasers, &c. not to be bound to see that Provisions of the Act have been complied with.

19. No Person claiming under any Deed, Instrument, or Assurance which shall be made or purport to be made under the Powers herein-before contained shall be bound to inquire whether the Provisions of this Act have been duly complied with or not, or whether the Transaction to which such Deed, Instrument, or Assurance shall relate has been in fact authorized by this Act or not, or whether it has or has not been within the Provisions and the true Intent and Meaning of this Act, but every such Deed, Instrument, or Assurance shall, when enrolled in the Manner herein-after provided, be good, valid, and effectual as against the Duke of Cornwall for the Purposes for which the same shall have been executed.

Nor to see to the Application of the Purchase Money.

20. No Person paying any Sum of Money under the Authority or supposed Authority of this Act, or in pursuance of or purporting to be in pursuance of any Provision herein contained, shall be bound to see to the Application or be answerable for the Misapplication or Non-application of the Money so paid.

Power to grant Leases for 31 Years without Fine.

21. It shall be lawful for the Duke of Cornwall, by Deed under the Seal of the Duchy of Cornwall, to demise or grant any Manors, Messuages, Parks, Lands, Tenements, or Hereditaments for the Time being, Parcel of the Possessions of the Duchy of Cornwall, (including Mines and Quarries, whether opened or not, with Power to the Grantee to work, get, carry away, and dispose of the Minerals found therein, and to do all Acts necessary or expedient for working, getting, carrying away, and disposing of the same Minerals, or any of them,) for any Term or Number of Years not exceeding Thirty-one Years in possession, but not in reversion, so that upon every such Demise, where the Subject-matter thereof shall consist of Land or Property other than Mines or Minerals, there shall be reserved the full and fair annual Rent of the Property to be comprised therein, to be incident to the immediate Reversion of or in the Premises to be thereby demised without taking any Fine or Consideration in the Nature of a Fine for the granting thereof; and where the Subject-matter of such Demise or Grant shall be Mines or Minerals, that then upon every such Demise or Grant there shall be reserved a reasonable Amount of Rent, Royalty, Dues, Toll, or Dish, without taking any Fine or Consideration in the Nature of a Fine for the granting thereof.

Power to grant Leases for 99 Years for Purposes of Improvement without Fine.

22. It shall be lawful for the Duke of Cornwall, by Deed under the Seal of the Duchy of Cornwall, to demise any Lands, Tenements, or Hereditaments for the Time being, Parcel of the Possessions of the said Duchy, for any Term of Years not exceeding the Term of Ninety-nine Years in possession, but not in reversion, with a view to the Improvement thereof by the Erection of new Buildings or the Repair of existing Buildings thereon, or in the Case of open or unimproved or waste Lands, by the Inclosure or Cultivation thereof, or otherwise, so as that upon every such Demise there shall be reserved a fair annual Rent to be incident to the immediate Reversion of the Premises to be thereby demised, without taking any Fine or Consideration in the Nature of a Fine for the granting thereof, and so that in every such Demise there shall be contained a Covenant on the Part of the Lessee for the Execution or Performance of the particular Improvements in consideration of which such Demise shall be granted.

Fines may be taken in special Cases with the Consent of the Treasury.

23. Provided always, That the Restrictions herein-before contained against taking any Fine or Consideration in the Nature of a Fine on the granting of Leases of the Possessions of the said Duchy shall not apply to or affect any Disposal for a limited Period, in consideration wholly or in part of a gross Sum of Money, of any Part or Parts of the Possessions of the said Duchy which may be made in any special Case under the Powers herein-before contained, with such Sanction and Approval of the Lord High Treasurer or of the Commissioners of the Treasury as herein-before is mentioned, and under which the gross Sum received as the whole or in part of such Consideration will be treated as Capital Money.

Covenants in Leases to be as effectual as if the Duke of Cornwall had an absolute Estate.

24. All Covenants, Conditions, and Agreements contained in any Lease or Grant made in pursuance of the Powers given by this Act, shall be as good and effectual in Law, according to the Words and Contents of the same, as if the Duke of Cornwall at the Time of making any such Lease or Grant were seised of an absolute Estate in Fee Simple in the Hereditaments to be thereby granted.

Leases not to be otherwise than for fixed Terms of Years except in certain Cases.

25. It shall not be lawful for the Duke of Cornwall at any Time hereafter to make any Grant of any Part of the Possessions of the Duchy of Cornwall for the Lives or Life of any Person or Persons, or for any Term of Years determinable with any Lives or Life other than the Lives or Life of some Person or Persons for whose Lives or Life some adjacent Lands, Parcel of the Possessions of the said Duchy, shall be held at the Time of the passing of this Act, and then not for any longer Term than Thirty-one Years, determinable with such last-mentioned Lives or Life.

New Leases may be granted on the Surrender of existing Interests.

26. Leases of any Part of the Possessions of the Duchy of Cornwall may be granted in consideration of the Surrender of any outstanding Estate held for Life, or for any Term of Years, either absolute or determinable with any Lives or Life, and in determining the Amount of Rent to be reserved in such new Lease, the Value of the Interest to be surrendered may be taken into account, and the Acceptance of such Surrender shall not be considered as taking a Fine.

The Duke of Cornwall may accept a Surrender of any Lease and grant separate Leases at apportioned Rents.

27. It shall be lawful for the Duke of Cornwall to accept a Surrender of any Lease of any of the Possessions of the said Duchy, and by Deed under the Seal of the Duchy of Cornwall to grant separate Leases of the whole or any Part of the Hereditaments comprised in such surrendered Lease for the Residue of the Term for which such Hereditaments were held under such Lease, and to apportion the Rent thereby reserved.

Concurrence of Underlessees not required on a Surrender for obtaining a new Grant.

28. Whenever a Surrender shall be made of any existing Lease of any of the Possessions of the said Duchy for the Purpose of taking a new Lease or Leases, the new Lease or Leases shall be taken to be a Renewal of the surrendered Lease within the Scope and Meaning of the Sixth Section of an Act passed in the Fourth Year of King George the Second, intituled " An Act for the more effectual preventing Frauds committed by Tenants, and for the more easy " Recovery of Rents and Renewals of Leases," so far as to render unnecessary the Surrender of any Under-lease previously to the granting of such new Lease or Leases, and to give full Effect to every such new Lease in all respects, notwithstanding any Under-lease may not be surrendered.

Severance of Reversion not to prejudice Condition of Re-entry, &c.

29. Where any of the Possessions of the Duchy of Cornwall which may be or have been sold, disposed of, or granted shall have formed Part of Property comprised in any Lease, all Rights under Covenants, and the Power of Re-entry and other Powers and Conditions contained in such Lease, shall remain in full Force, so far as the same may be applicable to the Residue of the Property comprised therein, and not be prejudicially affected by the Severance of the Reversion although no Apportionment of the Rent reserved on such Lease shall take place.

Deeds, &c. to be enrolled.

30. Every Deed or Instrument whereby any Manors, Lordships, Messuages, Lands, Mines, Minerals, Tenements, or Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges or Rights, shall be purchased under the Powers of this Act, or any of the Possessions of the Duchy of Cornwall shall be sold, disposed of, enfranchised, exchanged, leased, licensed to be demised, granted, charged, or released, and every Agreement for Reference or Submission to Arbitration under the Powers of this Act, and every Award made pursuant to any such Reference or Submission to Arbitration shall within Six Months after the Date thereof respectively be enrolled in the Office of the Duchy of Cornwall.

Keeper of Records to enrol Deeds, &c. in order of Time, and to certify Enrolment.

31. The Keeper of the Records of the Duchy of Cornwall shall enrol every Deed and other Instrument hereby directed to be enrolled in the Office of the said Duchy in order of Time as the same shall respectively be brought to the said Office for that Purpose, and certify under his Hand, or under the Hand of his Deputy for the Time being, upon the said Deed or other Instrument when enrolled the Fact of such Enrolment having been made and the Date of such Enrolment.

Deeds, &c. so enrolled not to require Enrolment in Courts of Law, &c.

32. Every such Deed or other Instrument shall, when so enrolled as herein-before directed, without any Enrolment or Registration thereof in any Court of Law or Equity, be as good and available and of the like Force and Effect in all respects and to all Intents and Purposes as if the same had been or was enrolled or registered in Her Majesty's High Court of Chancery or in any other of Her Majesty's Courts at Westminster, any Act, Law, Practice, or Usage to the contrary notwithstanding; and the Memorandum of such Enrolment written on such Deed or other Instrument, and purporting to be signed by the Keeper of the Records of the said Duchy or his Deputy, shall be Evidence that the same has been duly enrolled according to the Purport and Effect of such Memorandum and to the Provisions of this Act.

Enrolments may be made nunc pro tunc.

33. In all Cases where the Enrolment of any Deed or other Instrument in the Office of the Duchy of Cornwall has been or shall be omitted or delayed beyond the Period provided for the Enrolment thereof, either by this Act or otherwise, it shall be lawful for the Duke of Cornwall, or any Person whom the Duke of Cornwall shall by Sign Manual Warrant appoint to act in that Behalf, or, in the Absence of such Appointment, for the Keeper for the Time being of the Records of the Duchy of Cornwall, upon reasonable Cause being shown for the Omission or Delay, to direct or permit the making of any such Enrolment nunc pro tunc, and every such Enrolment when made shall be as valid and effectual as if made within the Period limited for that Purpose either by this Act or otherwise.

Power to appoint a Person to enter into Contracts.

34. It shall be lawful for the Duke of Cornwall at any Time and from Time to Time, by Sign Manual Warrant or otherwise, to nominate and depute any Person to enter into and make any Contract or Agreement touching or concerning any Matter or Thing to be done under the Authority of this Act, but the Party claiming as against the Duke of Cornwall under any Contract or Agreement relating to the Possessions of the Duchy of Cornwall shall only be entitled to enforce in Equity by Suit against the Keeper of the Records of the said Duchy a specific Performance of such Contract or Agreement, and the Duke of Cornwall shall not be personally liable to any Action, Suit, or other Proceeding in consequence thereof, or touching or concerning any other Matter or Thing done or purporting to be done under the Authority of this Act, or for any Omission or otherwise, and the Keeper of the Records of the said Duchy shall be indemnified out of the Revenues of the said Duchy against the Costs, Expenses, and Losses of and attending or incurred by any Suit against him as aforesaid.

Proviso as to Grants of Licences to demise.

35. And whereas by the Twenty-fifth Section of the said Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Sixty-five, Power is given to His Royal Highness Albert Edward Prince of Wales and Duke of Cornwall, His Heirs and Successors, to grant Licences to Copyhold or Customary Tenants within any Manors Parcel of the Possessions of the Duchy of Cornwall to improve their Tenements and demise the same in manner therein mentioned, and by the Twenty-seventh Section of the same Act it is enacted, amongst other things, that no Grant shall be made under the Powers of that Act without such Sanction and Approval on the Part of the Treasury as therein-mentioned: Be it declared and enacted, That all Licences by the Twenty-fifth Section of the said Act of the Seventh and Eighth Years of Her present Majesty, Chapter Sixty-five, authorized to be granted, may be made and granted by the Steward of the Manor of which the Premises to which the same shall relate are Parcel, in such Manner as any Licence to demise may by the Custom of such Manor be made or granted; and that the Power thereby given is not intended to diminish or prejudicially affect the Power of granting Licences previously sanctioned by the Usage or Custom of the Manor, and that the Word "Grant" contained in the Twenty-seventh Section of the same Act is not intended to apply to the Grant of any Licence granted under the Authority of that Act.

Power to grant Land for Sites of Churches, &c.

36. It shall be lawful for the Duke of Cornwall, at any Time or Times hereafter, out of the Lands and Possessions of the Duchy of Cornwall, to grant any Building proper to be used as or converted into a Church or Chapel or a School for the Education of poor Persons; and any Ground proper for the Site of any Church or Chapel, with or without a Cemetery or Burial Ground thereto; and any Ground proper for a Cemetery or Burial Ground to any Church or Chapel; and any House with its Appurtenances, and with or without a Garden thereto, proper for the Residence of the spiritual Person who may serve any Church or Chapel, or of the Master or Mistress of any such School; and any Ground proper for the Site or Sites of any such Residence or School; and also to grant any Building or Site for a Building solely for the Celebration of Divine Service by any Denomination of non-conforming Christians, so that in every such last-mentioned Grant the Denomination of Christians to or for whom it shall be granted shall be specified: Provided that not more than One Acre nor Premises of greater Value than Two hundred Pounds be granted in any particular Parish or Place for any One of the Purposes aforesaid; but this Restriction shall not apply where the Excess in Value over the Sum of Two hundred Pounds shall be paid into the Bank of England in the Manner herein-before provided in the Case of a Sale for a gross Sum of Money, or where such Excess shall be compensated for by an annual Sum of Money reserved upon the Grant and made payable to the Duke of Cornwall as Part of the Revenues of the Duchy of Cornwall; and in estimating the Value of the Property to be granted, no Account shall be taken of the Value of any Building the Cost of which shall have been defrayed by public Subscription, or which may have been previously erected solely with the view of being used for the Purpose to which the same is proposed to be devoted by the Grant; and every Grant which shall be made by the Duke of Cornwall for any of the Purposes specified in this Section shall be made by Deed under the Seal of the Duchy of Cornwall; and every such Grant, when inrolled in the Office of the Duchy of Cornwall, shall be valid and effectual against the Duke of Cornwall, and sufficient to vest in the Person, Body Politic or Corporate, to be therein named as Grantee, the Premises expressed to be thereby granted; and every such Grantee, his or their Heirs, Executors, Administrators, or Successors, shall, by force of this Act, be adjudged, deemed, and taken to be in the actual Seisin or Possession of the Premises in such Grant specified, and shall have full Capacity and Ability to and shall take, hold, and enjoy the same, either absolutely and in perpetuity or for such limited Estate, Term, or Interest, and under and subject to such Reservations of Rent or other Acknowledgments, Conditions, or Restrictions, as shall be specified, inserted, directed, or contained in any such Grant, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding: Provided always, that when a free Grant or any Grant for a limited Period shall have been made of any Property under the Provisions in this Section contained, and the same shall afterwards cease to be used for the Purpose for which the same shall have been so granted, or shall be used for any other Purpose, such Property, if unconsecrated, shall revert to and again become Parcel of the Possessions of the Duchy of Cornwall in the same Manner as if no such Grant had been made; and no Grant shall at any Time hereafter be made under the Twenty-sixth Section of the said Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Sixty-five, which shall be contrary to the Provisions hereinbefore contained.

Interpretation of Act.

37. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, over and above their several ordinary Meanings, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall include a Body Politic, Corporate, or Collegiate, and every other Corporation aggregate or sole:

The Words "Duke of Cornwall" shall include His Royal Highness Albert Edward Prince of Wales and Duke of Cornwall, also all succeeding Dukes of Cornwall, and also the Queen's most Excellent Majesty, Her Heirs and Successors, for the Time being entitled to the Lands and Possessions of the Duchy of Cornwall, or the Revenues thereof, during such Time as the Possessions of the said Duchy shall be vested in the Crown:

The Words "Possessions of the Duchy of Cornwall" and the Word "Possessions," applied to the Duchy of Cornwall, shall include Regalities, Hundreds, Castles, Honours, Lordships, Manors, Advowsons, Forests, Chases, Woods, Parks, Messuages, Lands, Buildings, Rights of Common, Mines, Minerals, Rights of Entry, or other Rights in respect of Mines or Minerals, Rentcharges in lieu of Tithes, Fixtures, Services, Rents, Pensions, Annuities, annual Sums reserved on any Sale, Disposal, or Enfranchisement made under the Powers of this Act, Rights, Privileges, Easements, Possessions, Tenements, and Hereditaments whatsoever, whether in possession or reversion, Parcel or reputed or claimed to be Parcel of the Duchy of Cornwall, or annexed to the same:

The Word "Minerals" shall include all Minerals, whether metallic or not, Stone, and Substrata of every Description.

Proviso for Exercise of Powers when a Duke of Cornwall is under 21 Years of Age.

38. The Rights, Powers, Privileges, and Authorities hereby made exerciseable by the Duke of Cornwall, or which shall otherwise be exerciseable by the Duke of Cornwall, shall be exerciseable during such Time as any future Duke of Cornwall shall be under the Age of Twenty-one Years, in the Name and on behalf of such Duke of Cornwall, by the Sovereign of the United Kingdom for the Time being as Guardian of such Duke, or by any Persons acting under the Authority of the Sovereign of the United Kingdom for the Time being; and all Acts, Matters, and Things to be done in the Name and on behalf of the Duke of Cornwall for the Time being who shall be under the Age of Twenty-one Years by the Sovereign of the United Kingdom as such Guardian, or by any Person or Persons acting under the Authority of the Sovereign in pursuance of and in conformity with the Powers or Authorities to them in that Behalf committed by the Sovereign, shall be good, valid, and effectual in Law as if the same had been and were done, and the same shall to all Intents and Purposes be taken to have been done, by such Duke of Cornwall himself in his own proper Person, and at his full Age of Twenty-one Years; and the Appointment of the Persons to act as aforesaid in the Name and on behalf of any such Duke of Cornwall may be from Time to Time made by the Sovereign, by Warrant under the Royal Sign Manual, to be countersigned by any Three or more of the Commissioners of the Treasury of the United Kingdom: Provided always, that all Offices, Appointments, and Employments relating to the Duchy of Cornwall, or the Possessions thereof, given or bestowed during such Time as any Duke of Cornwall shall be under the Age of Twenty-one Years, which may by Law be given or bestowed during Pleasure, shall be determinable by such Duke of Cornwall at any Time after he shall attain the Age of Twenty-one Years.

Proviso for Exercise of Powers when the Duchy of Cornwall is vested in the Crown.

39. Whenever there shall not for the Time being be any Duke of Cornwall, it shall be lawful for the Sovereign for the Time being from Time to Time, by Warrant under the Royal Sign Manual, to be countersigned by any Three or more of the Commissioners of the Treasury of the United Kingdom, to authorize such and so many of the regular Officers of the said Duchy, who by virtue of their several Appointments and Offices may be concerned in the general Superintendence and Management of the Revenues and Affairs of the said Duchy, or any other Persons, being not more than Five and not less than Three in Number, as the Sovereign may think fit, in the Name and on behalf of the Sovereign, to exercise all or any of the Rights, Powers, Privileges, and Authorities which are by this Act made exerciseable or which shall otherwise for the Time being be exerciseable by the Sovereign in relation to the said Duchy, and to commit to any One or more of the regular Officers authorized to act in the Name and on behalf of the Sovereign as aforesaid the Custody of the Seal of the said Duchy.

This Act not to interfere with existing Powers except where expressly altered.

40. Nothing in this Act contained shall take away, alter, or prejudice, further or otherwise than as the same are hereby expressly rescinded or altered, any Powers or Provisions contained in the said recited Act of the Seventh and Eighth Years of the Reign of Her present Majesty, or an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter One hundred and five, or "The Acts for the Inclosure, Exchange, and Improvement of Land," or any other Act of Parliament heretofore passed and now in force touching or concerning or which may in any way affect the Possessions of the Duchy of Cornwall, or the Revenues or Management thereof, and not hereby expressly repealed.

Authorizing Exchanges of Minerals under Inclosure Acts.

41. It is hereby expressly declared and enacted, That the Powers vested in the Inclosure Commissioners for England and Wales by "The Acts for the Inclosure, Exchange, and Improvement of Land," for effecting Exchanges of Land, shall, as to any Exchange affecting the Possessions of the Duchy of Cornwall, be deemed and construed to authorize a Dealing for the Purpose of such Exchange with Mines and Minerals, and Rights in respect of Mines and Minerals, either with or without any Dealing with the Ownership of the Surface.

Short Title of Act.

42. This Act may for any Purpose be cited as "The Duchy of Cornwall Management Act, 1863."

SCHE-

SCHEDULE to which this Act refers.

Form of Conveyance on Sale in consideration of a gross Sum of Money.

KNOW all Men by these Presents, That we [*here insert the Titles of the Possessor for the Time being of the Duchy of Cornwall*] under the Authority of "The Duchy of Cornwall Management Act, 1863," in consideration of the Sum of by *A.B.* of, *&c.*, paid into the Bank of England to the Account of the Duchy of Cornwall, do by these Presents grant unto and his Heirs [*or* Successors, *as the Case may be,*] all [*here describe either in Detail or by Reference the Property sold*], together with [*insert here the general Words applicable to the particular Description of Property, and in the Case of any Exception or Reservation out of the Grant, add,* excepting, nevertheless, and reserving unto the Personage for the Time being entitled to the Duchy of Cornwall [*here insert the Particulars of the Mines, Minerals, or other Matter or Thing intended to be excepted or reserved, with appropriate Rights and Powers*]], to have and to hold the Premises hereby granted, or expressed so to be, unto the said and his Heirs [*or* Successors, *as the Case may be; and here state the Uses, Trusts, or Purposes of the Conveyance as the Case may require; and if the Sale is to be subject to any Restriction or Condition state,* but subject to the Condition that, *here insert the Particulars of the Restriction or Condition; and if the Sale is of a Rent, annual Sum, Right, or Charge which is intended to be extinguished, in the Place of the Habendum, insert,* to the Intent that the said, *here insert the Particulars of the Rent, annual Sum, Right, or Charge,* shall cease and be extinguished, and the said, *describe shortly the Premises which the Rent, annual Sum, Right, or Charge is charged upon or extends over,* be absolutely freed and for ever discharged from the same.] In witness whereof we have caused the Seal of the Duchy of Cornwall to be duly affixed and set hereto the Day of in the Year of our Lord .

The foregoing Form may be used for the Purpose of a free Grant, such Alteration being made therein as the Circumstances of the Case may require.

Form of Grant for a limited Period in consideration of a gross Sum of Money.

KNOW all Men by these Presents that we [*insert the Titles of the Possessor for the Time being of the Duchy of Cornwall as in the* *previous Form of Conveyance*] under the Authority of "The Duchy of Cornwall Management Act, 1863," in consideration of the Sum of by *A.B.* of, *&c.*, paid into the Bank of England to the Account of the Duchy of Cornwall, do by these Presents grant unto all [*here describe either in Detail or by Reference the Property to be granted*], together with [*insert here the general Words applicable to the particular Description of Property, and add any Exception or Reservation to which the Grant is intended to be subject, as directed in the previous Form of Conveyance*], to hold the Premises hereby granted, or expressed so to be, unto , his Executors, Administrators, and Assigns [*or* Successors and Assigns, *as the Case may be,*] for the Term of Years from the Day of One thousand eight hundred and [*here state any Trusts or Purposes, and any Restriction or Condition as directed in the previous Form of Conveyance, and add any Covenants which the Circumstances of the Case may require*]. In witness whereof we have caused the Seal of the Duchy of Cornwall to be duly affixed and set hereto this Day of in the Year of our Lord .

Form of Conveyance on Sale in consideration of an annual Sum of Money.

To all to whom these Presents shall come, *&c.* [*insert the Titles of the Possessor for the Time being of the Duchy of Cornwall as before directed*]. Now these Presents witness that [*here insert the short descriptive Title of such Possessor*] under the Authority of "The Duchy of Cornwall Management Act, 1863," in consideration of the annual Sum of to be paid as herein-after mentioned, doth hereby grant unto and his Heirs [*or* Successors, *as the Case may be,*] all [*here describe either in Detail or by Reference the Property sold*], together with [*insert here the general Words applicable to the particular Description of Property, and add any Exception or Reservation out of the Grant, as previously directed*], to hold the Premises hereby granted, or expressed so to be, unto the said , his Heirs and Assigns, [*or* Successors and Assigns, *as the Case may be*], to the Use, Intent, and Purpose that the Personage for the Time being entitled to the Duchy of Cornwall may receive and take a clear annual Sum of to be chargeable upon, and yearly issuing and payable out of the Premises hereby granted, or expressed so to be, and to be paid into the Hands of the Receiver General for the Time being of the Duchy of Cornwall or his Deputy, by equal half-yearly Payments, without any Deduction in respect of Land Tax or other Taxes, Rates, Charges, and Impositions whatsoever, except Property or Income Tax, on the Day of and the Day of in every Year, the first of such half-yearly Payments to be made on the Day of and subject thereto, to the Use [*here state the Uses, Trusts, or Purposes of the Conveyance, and add any Restriction or Condition as the Case may require*]. And the said , for himself, his Heirs, Executors, Administrators, and Assigns, [*or* Successors and Assigns, *as the Case may be*,] doth hereby covenant with [*insert the short descriptive Title as before*], his Heirs, Successors, and Assigns, that he, the said , his Heirs, Executors, Administrators, and Assigns, [*or* Successors and Assigns, *as the Case may be*,] will henceforth pay the said annual Sum of at the Times and in manner herein-before appointed for Payment thereof, without any Deduction whatsoever, except as aforesaid. In witness whereof to these Presents the Seal of the Duchy of Cornwall hath been duly affixed and set, and the said hath affixed his Seal and subscribed his Name.

Form of Grant for a limited Period in consideration of an annual Sum of Money.

To all to whom, &c. [*as in the previous Form, inserting the Titles of the Possessor for the Time being of the Duchy of Cornwall, as previously directed*]. Now these Presents witness that [*here insert the short descriptive Title of such Possessor*], under the Authority of "The Duchy of Cornwall Management Act, 1863," in consideration of the Rent and Covenants herein-after reserved and contained, doth hereby grant unto all [*here describe the Property, adding the general Words applicable thereto and any Exception or Reservation as previously directed*], to hold the Premises hereby granted unto the said his Executors, Administrators, and Assigns, [*or* Successors and Assigns, *as the Case may be*,] for the Term of Years from the Day of , yielding and paying therefor during the said Term unto the Personage for the Time being entitled to the Revenues of the Duchy of Cornwall the clear annual Sum of free from all Deductions whatsoever, the same to be paid into the Hands of the Receiver General for the Time being of the Duchy of Cornwall or his Deputy in equal Sums half-yearly on the Day of and the Day of in every Year, the first of such half-yearly Payments to be made on the Day of next [*insert the Particulars of any Restriction or Condition, and add a Covenant for Payment, as directed in the previous Form, with such Alteration and such other Covenants as the Circumstances of the Case may require*]. In witness whereof to these Presents the Seal of the Duchy of Cornwall hath been duly affixed and set, and the hath affixed his Seal and subscribed his Name.

Form of Enfranchisement in consideration of a gross Sum of Money.

Know all Men by these Presents that we [*insert the Titles of the Possessor for the Time being of the Duchy of Cornwall as previously directed*] under the Authority of "The Duchy of Cornwall Management Act, 1863," in consideration of the Sum of by *A.B.* of, *&c.*, paid into the Bank of England to the Account of the Duchy of Cornwall, do by these Presents grant and enfranchise unto all [*here describe either in Detail or by Reference the Premises to be enfranchised, including any Rights of Common, &c. intended to be comprised in the Grant*], and all Heriots, Quit Rents, Duties, Suits, and Service of Court, and all other Customs and Services due and payable for or in respect of the same Premises, or any of them, together with [*insert the general Words applicable to the particular Description of Property*, excepting and reserving nevertheless unto the Personage for the Time being entitled to the Duchy of Cornwall *here insert the Particulars of the Mines and Minerals or other Matter or Thing intended to be reserved, with appropriate Rights and Powers*], to hold the Premises hereby granted, or expressed so to be, unto the said and his Heirs, in free and common Socage freed and absolutely discharged from the Copyhold [*or* Customary] Tenure thereof, and of and from all Rents, Fines, Payments, Heriots, Suits, Customs, and Services incident thereto, or by Custom, Prescription, or otherwise howsoever to be paid, rendered, or performed to the Personage for the Time being entitled to the Duchy of Cornwall for or in respect of the same [*if the Enfranchisement is to be subject to any Restriction or Condition add*, but subject to the Condition that, *here insert the Particulars of the Restriction or Condition*, and so subject], to the Use of the said his Heirs and Assigns for ever [*or to any other Use to which the Grant is intended to enure*]. In witness whereof we have caused the Seal of the Duchy of Cornwall to be duly affixed and set hereto this Day of in the Year of our Lord .

Memorandum of Acknowledgment to be endorsed on any Deed of Conveyance, Grant, or Enfranchisement in consideration of a gross Sum of Money.

I hereby acknowledge that the Sum of in the within-written Deed mentioned to have been paid into the Bank of

England, was so paid to the Credit of the Account of the Duchy of Cornwall on the Day of 18 .

As witness my Hand,

E.F.

Auditor of the Duchy of Cornwall.

Form of Enfranchisement in consideration of an annual Sum of Money.

To all to whom these Presents shall come [*inserting the Titles of the Possessor for the Time being of the Duchy of Cornwall, as previously directed*] sends greeting: Now these Presents witness that [*here insert the short descriptive Title of such Possessor*], under the Authority of "The Duchy of Cornwall Management Act, 1863," in consideration of the annual Sum of to be paid as herein-after mentioned, doth by these Presents grant and enfranchise unto and his Heirs all [*here describe the Premises, adding the Words* and all Heriots, *&c.*, *with the necessary general Words stating any Exception or Reservation*], to hold the Premises hereby granted, or expressed so to be, unto the said and his Heirs, in free and common Socage, freed and absolutely discharged from the Copyhold [*or* Customary] Tenure thereof, and of and from all Rents, Fines, Payments, Heriots, Suits, Customs, and Services incident thereto, or by Custom, Prescription, or otherwise howsoever, to be paid, rendered, or performed to the Personage for the Time being entitled to the Duchy of Cornwall for or in respect of the same Tenure, to the Use, Intent, and Purpose, *&c.* [*complete the Reservation as in the Form of Conveyance on Sale in consideration of an annual Sum of Money, and state as directed in that Form the Particulars of any Restriction or Condition to which the Enfranchisement is to be subject*], and, subject thereto, to the Use of the said his Heirs or Assigns for ever [*or to any other Use, as directed in the previous Form of Enfranchisement, adding a Covenant for Payment, as in the previous Form of Conveyance on Sale in consideration of an annual Sum of Money*]. In witness whereof to these Presents the Seal of the Duchy of Cornwall hath been duly affixed and set, and the said hath affixed his Seal and subscribed his Name, the Day of in the Year of our Lord .

Form of Conveyance of any Land or Property on a Purchase by the Duke of Cornwall.

Know all Men by these Presents that I, *A.B.* of, *&c.*, in consideration of the Sum of paid to me [*or* into the Bank of England with the Privity of the Accountant General of the Court of Chancery, *as the Case may be*], under the Provisions of "The Duchy of Cornwall Management Act, 1863," do by these

Presents, by virtue of the said Act, grant and convey unto [*here insert the Titles of the Possessor for the Time being of the Duchy of Cornwall as previously directed*], his Heirs and Successors, all [*here describe either by Reference or in Detail the Property purchased*], together with [*insert general Words applicable to the particular Description of Property*], to hold the Premises hereby granted, or expressed so to be, unto [*here insert the short descriptive Title of such Possessor*], his Heirs and Successors for ever, as Parcel of the Possessions of the Duchy of Cornwall, [*or if the Purchase is of a Rent Right of Common or other Incorporeal Hereditament, or Right intended to be extinguished in the Place of the Habendum, insert* to the Intent that the said, *here insert the Particulars of the Subject-matter,* shall cease and be extinguished, and the said *describe shortly the Premises which the same is charged upon or extends over,* be absolutely freed and for ever discharged from the same, *here insert any qualifying Words which the Circumstances of the Case may require, and Covenants for Title or other Covenants*]. In witness whereof, I, the said *A.B.*, have hereunto set my Hand and Seal this Day of in the Year of our Lord .

Form of Receipt for Purchase Money where not paid into Court to be endorsed.

Received on the Day of the Date of the within-written Deed the Sum of , being the Consideration Money therein expressed to be paid to me,

A.B.

Witness, *C.D.*

Form of Grant of Annuity on the Surrender of an outstanding Estate to be charged upon the Premises surrendered.

This Indenture, made the Day of between *A.B.* of *&c.* of the one Part, and [*insert the Titles of the Possessor for the Time being of the Duchy of Cornwall as previously directed*] of the other Part: Whereas [*here insert such Recitals as may be requisite to show the Particulars of the Property proposed to be surrendered, and the Circumstances of the Tenure*]: Now this Indenture witnesseth that, in consideration of the Annuity or yearly Rent-charge or Sum of intended to be hereby secured, and upon the Acceptance of [*inserting the short descriptive Title of such Possessor*], testified by the Seal of the Duchy of Cornwall being hereto affixed, the said *A.B.* doth by these Presents surrender and yield up unto [*inserting the short descriptive Title as before*] all and singular [*here describe either by Reference or in Detail the Premises to be surrendered or granted*], and all the Estate, Right, Title, Interest, Benefit, Property, Claim, and Demand whatsoever of him the said *A.B.*, in, to, out of, or upon the same Premises, and every Part thereof, to the End and Intent that [*describe shortly the Nature of the Estate or Interest to be surrendered*] may merge in the Reversion, Freehold, and Inheritance of the Premises, and be thereby extinguished [*here insert the necessary Covenants for Title*]; and this Indenture further witnesseth, and in consideration of the Premises [*here insert the short descriptive Title as before*], pursuant to the Provision in this Behalf contained in "The Duchy of Cornwall Management Act, 1863," doth hereby give and grant unto the said *A.B.* One Annuity or clear yearly Rentcharge or Sum of of lawful Money of the United Kingdom, to be payable and paid for and during [*here state the Period for which the Annuity is intended to be granted*] and to be charged and chargeable upon and yearly issuing and payable out of the [*here describe by Reference or in Detail the Premises intended to be charged with the Annuity*], to have, hold, receive, and take the said Annuity or yearly Rentcharge or Sum of unto the said *A.B.* and his Assigns for and during [*state shortly the Period of Duration of the Annuity*], to be paid and payable at the common Dining Hall of the Middle Temple in the City of London, by Two equal half-yearly Payments, (that is to say,) on the Day of and the Day of in every Year, without any Deduction or Abatement in respect of Land Tax or any other Taxes, Charges, Assessments, or Impositions whatsoever (except the Property or Income Tax), the first half-yearly Payment of the said Annuity or yearly Rentcharge or Sum of to be made on the Day of 18 [*and if the Annuity is granted for any Period depending on Life add*, if the said shall be then living. And if the said Annuity or yearly Rentcharge shall determine before the said Day of or subsequently on any Day other than One of the said half-yearly Days of Payment, a proportionate Part thereof to be paid for the Period which shall have elapsed of the then current Half Year, *and add a Covenant for Proof from Time to Time of the Existence of the Life on which the Annuity depends*]. In witness whereof to these Presents the Seal of the Duchy of Cornwall hath been affixed and set, and the said *A.B.* hath affixed his Seal and subscribed his Name.

Duchy of Cornwall Management (1863).

A

B I L L

INTITULED

An Act giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy, and for other Purposes.

(*Brought from the Lords* 18 *June* 1863.)

Ordered, by The House of Commons, *to be Printed*,
22 *June* 1863.

[Bill 182.]

Under 4 *oz*.

139

20 *February* 1863. 26 Vict.

A

BILL

TO

Make further Provisions for the Education of Children employed in Factories and other Works.

WHEREAS the Employment of Children under the Age of Thirteen Years in Factories, Bleaching Works, Dyeing Works, and Lace Factories is restricted to Six Hours and a Half in any One Day: And whereas such Children are required to attend School for Three Hours daily on Five Days in every Week: And whereas it is enacted by the Act of the Seventh Year of Her present Majesty, intituled "An Act to amend the Laws relating to "Labour in Factories," that if the Labour of young Persons shall be restricted to Ten Hours on any One Day, then in such Case it shall be lawful to employ Children under Thirteen Years of Age for Ten Hours in any One Day on Three alternate Days of every Week, provided such Children shall attend School for at least Five Hours on each Week Day preceding each Day of Employment: And whereas the Labour of young Persons is now by Law restricted to Ten and a Half Hours in any One Day: And whereas it would be for the Interest of many Occupiers of Factories and other Works, and greatly to the Advantage of Parents and of the Children themselves, if it were lawful to employ Children on Three alternate Days in every Week for the same Number of Hours as young Persons may now be lawfully employed: And whereas the Addition of One Half Hour on

Preamble.

Three alternate Days in a Week to the Labour of Children under Thirteen Years of Age would not be prejudicial to their Health: And whereas it is expedient to increase the Opportunities and Means for Children to attend School: And whereas in Scotland the Half Day System, owing to the Dinner Hour being later in the Day than in England, is practically inoperative, except where Schools are provided on the Premises, and consequently a large Proportion of the young Hands are growing up without Education: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Children may be employed in Factories, &c. on Three alternate Days in every Week.

1. That it shall be lawful in any Factory, Bleaching Work, Dyeing Work, or Lace Factory to employ any Child on *Three* alternate Days of every Week in the same Manner as young Persons may be lawfully employed: Provided always, that such Child shall not be employed in the same or in any other Factory, Bleaching Work, Dyeing Work, or Lace Factory on *Two* successive Days: Provided also, that the Parent or Person having direct Benefit from the Wages of any Child so employed shall cause such Child to attend some School for at least *Five* Hours between the Hours of *Eight* of the Clock in the Morning and *Six* of the Clock in the Afternoon of the same Day in each Week Day preceding each Day of Employment in any of the said Works, unless such preceding Day shall be a Saturday, when no School Attendance of such Child shall be required: Provided also, that on Monday in every Week after that in which such Child began to work, or any other Day appointed for that Purpose by the Inspector of the District, the Occupier of the Factory or other said Works shall obtain a Certificate from a Schoolmaster according to the Form and Directions given in the Schedule (A.) annexed to the said Act of the Seventh Year of the Reign of Her present Majesty, that such Child has attended School in the Manner required by the said lastly-recited Act and by this Act: Provided also, that nothing in this Act contained shall be construed to authorize the Employment of Children under Thirteen Years of Age before *Six* of the Clock in the Morning, or after *Six* of the Clock in the Evening, or after *Two* of the Clock in the Afternoon of any Saturday.

14 *May* 1863. 26 VICT.

A

BILL

TO

Amend the Law relating to Election Petitions.

Preamble.

WHEREAS it is expedient to amend the Law relating to Election Petitions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act, &c.

1. This Act may be cited as "The Election Petitions Act, 1863," and shall be construed with and as Part of "The Election Petitions Act, 1848," herein-after termed the Principal Act.

Provision as to Conditions of Recognizance.

2. The Recognizance to be entered into as provided for by the Principal Act shall be conditioned not only for the Payment of all Costs and Expenses in such Act mentioned as payable by the Person subscribing the Petition, but also for the Payment of all Costs and Expenses payable by such Person under the Provisions herein-after contained, and also for the Prosecution with Effect of the Election Petition to which such Recognizance relates; and such Recognizance may be in the Form or to the Effect set forth in the Schedule to this Act, with such Alteration as may be necessary to adapt such Form to the Circumstances of each Case.

Appointment of "Election

3. The General Committee of Elections shall, at the Commencement of each Session and before the Formation of the Chairman's

Petitions Withdrawal Committee."

Panel, select out of the List mentioned in the Forty-first Section of the Principal Act Five Members to serve on a Standing Committee for the Remainder of the Session, to be called "The Election Petitions Withdrawal Committee," and every such Member shall be disqualified for being placed on the Chairman's Panel, and for serving upon any Election Committee during the Remainder of the Session; and all the Provisions of the Principal Act, with reference to the Period during which Members shall continue upon the Chairman's Panel and to the Mode of filling up Vacancies therein, shall, mutatis mutandis, apply to the Service of Members upon "The Election Petitions Withdrawal Committee," and the filling up of Vacancies therein.

No Petition to be withdrawn except as provided for by this Act.

4. When an Election Petition has been presented to the House of Commons, it shall not be withdrawn except in compliance with the Conditions and Provisions herein-after contained; and the Eighth Section of the Principal Act is hereby repealed.

Proceedings in case of Intention to withdraw Petition.

5. When any Petitioner is desirous to withdraw an Election Petition he shall give Notice in Writing under his Hand, or under the Hand of his Agent, to the sitting Member or his Agent, and also to any Party who may have been admitted to oppose the Prayer of such Petition, that he does not desire to proceed with the Petition, and shall also give a like Notice to the Speaker, and the Speaker shall inform the House that he has received such Notice, and thereupon such Notice shall be referred without Debate to "The Election Petitions Withdrawal Committee."

Duties of Election Petitions Withdrawal Committee.

6. Such Committee, of whom *Three* shall be a Quorum, shall, with all convenient Speed after such Notice shall have been so referred to them, assemble, and shall inquire into and ascertain the Circumstances under which such Petition was presented and such Notice of Withdrawal was given, and shall report to the House whether in their Opinion sufficient Grounds have been shown for the Withdrawal of such Petition, whether in their Opinion such Petition was presented frivolously or vexatiously, or without any bonâ fide Intention to prosecute the same, and also whether in their Opinion any corrupt Bargain or Compromise has been made for the Withdrawal of such Petition, and shall specially report to the House all such Matters relating to the Presentation of the said Petition and the proposed Withdrawal thereof, and as to the Parties implicated or concerned in any such corrupt Bargain or Compromise, as to the said Committee shall seem expedient.

Powers of Committee.

7. The said Committee, when so assembled, shall elect a Chairman, and shall possess, and are hereby authorized to exercise according to their Discretion, all and every the Powers and Authorities relating to the Examination of Members of Parliament, Candidates, Agents, and all other Persons whomsoever, and to the Production of Papers and Writings relating to the Matter under Inquiry, and all such other Powers as are possessed or may be exercised by a Committee appointed to try an Election Petition.

Speaker to appoint Agent in certain Cases.

8. If the said Committee shall in the Course of their Inquiry signify in Writing to the Speaker that they cannot properly investigate the Matter referred to them without the Assistance of an Agent, the Speaker shall thereupon nominate an Agent to prosecute such Investigation before such Committee.

Provision as to Withdrawal.

9. After the Expiration of *Ten* Days from the Presentation to the House of the Report of such Committee, such Petition shall be withdrawn, unless the House shall in the meantime make any other Order with respect to such Petition, or as to the Time of the Withdrawal thereof.

Provision as to Costs in case of Withdrawal.

10. In every Case of Withdrawal the Petitioner shall be liable to the Payment of such Costs and Expenses as have been incurred by the Sitting Member or other Party complained of in such Petition, and also by any Party admitted to oppose the Prayer of such Petition, to be taxed as provided by the Principal Act.

Petitioner in certain Cases to be liable for Costs of Inquiry.

11. The Costs and Expenses occasioned in and about any Inquiry under the Authority of this Act shall be paid by the Petitioner, unless the said Committee shall report, order, and direct that such Costs and Expenses, or any Part of them, ought not to be borne by the Petitioner, and in that Case the said Committee shall have Power to order that the Costs of such Inquiry, or any Part of them, shall be borne as in the Case of any Public Matter ordered by the House of Commons, and all Costs and Expenses payable by the Petitioner shall be ascertained and recovered in the same Manner as the Costs and Expenses mentioned in the Principal Act as so payable.

In case of corrupt Bargain, guilty Party to be liable to Costs.

12. In case it shall be proved to the Satisfaction of the Committee that any Person other than the Petitioner has been concerned in any corrupt Bargain or Compromise relative to the Withdrawal of the Petition, it shall be lawful for the Committee, in their Discretion, to report, order, and direct that the Costs of such Inquiry, or any Part of them, shall be paid by such Person, provided that such Person shall have been first duly heard by the said Committee; and in that Case the Provisions of the Fifteenth, Sixteenth, Seventeenth, and Eighteenth Sections of an Act passed in the Fifth and Sixth Years of

Her Majesty s Reign, Chapter One hundred and two, intituled " An " Act for the better Discovery and Prevention of Bribery, and treating, " at the Election of Members of Parliament," shall, so far as the same are applicable, apply to the certifying and recovering of the Costs in this Section mentioned.

In case of corrupt Bargain Recognizances to be forfeited.

13. If such Committee shall report that any corrupt Bargain or Compromise has been made for the Withdrawal of such Petition, the Chairman of such Committee, with the Authority and Sanction of such Committee, shall certify under his Hand that the Recognizance, if any, relating to such Petition has been forfeited, and that the whole of the Sum mentioned in such Recognizance, or that Part of such Sum, ought to be absolutely forfeited; or, if Money has been paid into the Bank of England in lieu of a Recognizance under the Provisions of the Principal Act, then that the whole of the Money so paid in, or that Part of such Money, ought to be absolutely forfeited; and in either such Case the Sum mentioned in such Certificate shall be absolutely forfeited, and in the Case of a Recognizance shall be recoverable from the Parties who shall have entered into such Recognizance by Information by the Attorney General; and upon such Information being filed, and upon Production of the said Recognizance and Certificate, with an Affidavit of the Signature thereto, final Judgment may be signed upon such Information, and Execution may be forthwith issued to levy the same; and such Sum of Money, or so much thereof as shall not be otherwise payable under the Provisions of this Act and the Principal Act, shall be paid to the Commissioners of Her Majesty's Treasury: Provided always, that if the Handwriting of the Chairman of the Committee by whom the Certificate shall have been signed be duly verified, the Validity of such Certificate shall not be called in question in any Court upon the Allegation of any Matter previous to the Date thereof.

Trusts of Monies paid into the Bank of England in lieu of Recognizances.

14. All Monies paid into the Bank of England to the Account of the Speaker and the Examiner of Recognizances under the Provisions of the Principal Act shall be held by them as Trustees for the like Purposes for which the Recognizance is required by this Act as well as by the Principal Act.

Saving of Forfeiture in certain Cases.

15. Except in the Case of such Forfeiture being so certified as aforesaid, no Recognizance shall be forfeited or estreated for any Breach of the Condition mentioned last in such Recognizance.

SCHEDULE.

FORM OF RECOGNIZANCE.

Election Petitions.

A

BILL

To amend the Law relating to Election Petitions.

(*Prepared and brought in by*
Mr. Hunt and Mr. Serjeant Pigott.)

Ordered, by The House of Commons, *to be Printed,*
14 *May* 1863.

[Bill 124.]

Under 1 *oz.*

25 *June* 1863. 26 & 27 VICT.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Law relating to Election Petitions.

Preamble.

WHEREAS it is expedient to amend the Law relating to Election Petitions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act, &c.

1. This Act may be cited as "The Election Petitions Act, 1863," and shall be construed with and as Part of "The Election Petitions Act, 1848," herein-after termed the Principal Act.

Provision as to Conditions of Recognizance.

2. The Recognizance to be entered into as provided for by the Principal Act shall be conditioned not only for the Payment of all Costs and Expenses in such Act mentioned as payable by the Person subscribing the Petition, but also for the Payment of all Costs and Expenses payable by such Person under the Provisions herein-after contained; and in lieu of the Form of Recognizance authorized by the Principal Act, such Recognizance may be in the Form or to the Effect set forth in the Schedule to this Act, with such Alteration as may be necessary to adapt such Form to the Circumstances of each Case.

Appointment of "Election Petitions Withdrawal Committee."

3. The General Committee of Elections shall, at the Commencement of each Session and before the Formation of the Chairman's Panel, select out of the List mentioned in the Forty-first Section of the Principal Act Five Members to serve on a Standing Committee, to be called "The Election Petitions Withdrawal Committee," and every such Member shall be disqualified for being placed on the Chairman's Panel and excused from serving upon any Election Committee during the Remainder of the Session; and all the Provisions of the Principal Act, with reference to the Period during which Members shall continue upon the Chairman's Panel and to the Mode of filling up Vacancies therein, shall, mutatis mutandis, apply to the Service of Members upon "The Election Petitions Withdrawal Committee," and the filling up of Vacancies therein; but no Member who has served upon any Election Committee during the Session shall be appointed a Member of the Election Petitions Withdrawal Committee if he be unwilling to serve; and no Member shall act upon such Committee until he have been sworn at the Table of the House by the Clerk, truly and faithfully to perform the Duties belonging to a Member of the said Committee, to the best of his Judgment and Ability, without Fear or Favour.

CLAUSE K.

Names of Members to be reported.

4. The Name of every Member appointed to serve on the Election Petitions Withdrawal Committee shall be reported to the House.

No Petition to be withdrawn except as provided for by this Act.

5. When an Election Petition has been presented to the House of Commons, it shall not be withdrawn, except in compliance with the Conditions and Provisions herein-after contained; and the Eighth Section of the Principal Act is hereby repealed.

Proceedings in case of Intention to withdraw Petition.

6. When any Petitioner is desirous to withdraw an Election Petition he shall give Notice in Writing under his Hand, or under the Hand of his Agent, to the sitting Member or his Agent, and also to any Party who may have been admitted to oppose the Prayer of such Petition, that he does not desire to proceed with the Petition, and shall also give a like Notice to the Speaker, and the Speaker shall inform the House that he has received such Notice, and thereupon the Order for referring such Petition to the General Committee of Elections shall be discharged, and such Petition and such Notice shall be referred by the House to "The Election Petitions Withdrawal Committee."

Duties of Election Petitions Withdrawal Committee.

7. It shall be the Duty of the said Committee to inquire into the Circumstances under which such Notice of Withdrawal was given, and to report to the House whether in their Opinion reasonable Grounds have been shown for the Withdrawal of such Petition, and it shall be lawful for such Committee, if they think fit, to make a special Report with reference to any Matters which have come before them in their Inquiry.

CLAUSE A.

Meetings of Election Petitions Withdrawal Committee.

8. When any Petition and such Notice shall have been so referred, the Speaker shall appoint the Time and Place of the First Meeting of "The Election Petitions Withdrawal Committee," to consider the same; and such Committee shall meet at the Time and Place so appointed; and thereupon the Sittings and Adjournments of such Committee shall, until after the making of their Report with respect to the Petition then under Inquiry, be regulated by and be subject to the Provisions and Restrictions that are contained in the Seventy-third Section of the Principal Act, with respect to the Sittings and Adjournments of an Election Committee.

CLAUSE B.

No Member to absent himself.

9. No Member of such Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown and verified upon Oath; and in every such Case the Member to whom such Leave is granted or Excuse allowed shall not be entitled again to sit or vote on such Committee with respect to the Petition then under Inquiry; and such Committee shall never sit until all the Members to whom such Leave has not been granted nor Excuse allowed are met; and in case all such Members do not meet within One Hour after the Time appointed for the First Meeting of such Committee, or within One Hour after the Time to which such Committee has been adjourned, a further Adjournment shall be made and reported to the House by their Chairman, with the Cause thereof.

CLAUSE C.

Proceedings to be taken on Report of Member's Absence.

10. Every Member whose Absence, without Leave or Excuse, is so reported, shall be directed to attend the House at its next Sitting, and shall then be ordered to be taken into the Custody of the Serjeant at Arms attending the House, for such Neglect of his Duty, and shall be otherwise punished or censured at the Discretion of the House, unless it appears to the House by Facts specially stated and verified upon Oath that such Member was, by a sudden Accident or by Necessity, prevented from attending the said Committee.

Powers of Committee.

11. The said Committee, at their First Meeting, for the Purpose of each Inquiry under this Act, shall elect One of themselves to be Chairman, and shall for the Purpose of such Inquiry possess, and are hereby authorized to exercise according to their Discretion, all and every the Powers and Authorities which are possessed or may be exercised by a Committee appointed to try an Election Petition; and every Witness who may be examined by such Committee shall be entitled to all the Privileges and Indemnities which he would have been entitled to if examined on the Trial of an Election Petition.

Clause H.
Giving false Evidence to be Perjury.

12. Every Person who wilfully gives false Evidence before any such Committee during any Inquiry under the Provisions of this Act shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

Clause D.
Proceeding in case of Death or necessary Absence of a Member.

13. In case of the Death or necessary Absence of One or Two Members of "The Election Petitions Withdrawal Committee," during any such Inquiry, the remaining Members shall thenceforward, until after the making of their Report, constitute the Committee; and if ever there be Occasion for electing a new Chairman on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the Committee shall elect One of themselves to be Chairman for the Purpose of such Inquiry; and if in that Election there be an equal Number of Voices, the Member whose Name stands foremost in the List of the Committee as reported to the House, shall have a Second or Casting Vote.

Clause G.
Committee reduced to Three to be reconstituted.

14. If the Number of Members able to attend such Committee during any such Inquiry be, by Death or otherwise, unavoidably reduced to less than Three, and so continue for the Space of Three sitting Days, all the Proceedings of such Committee with reference to such Inquiry shall be void and of no Effect, and the Vacancies in such Committee shall be filled up as soon as conveniently may be after the Occasion arises, and thereupon the said Inquiry shall commence afresh before such Committee.

Clause F.
Committee reduced to less than Three by the Non-attendance of its Members to be dissolved, unless by Consent.

15. If the Number of Members able to attend any such Select Committee be, by Death or otherwise, unavoidably reduced to less than Three, and so continue for the Space of Three sitting Days, such Select Committee shall be dissolved (except in the Case herein-after provided), and another shall be appointed to try the Petition referred to such Committee; and the General Committee and Members of the Chairman's Panel shall meet for that Purpose as soon as convenintly may be after the Occasion arises, at a Day and Hour to be appointed by the General Committee, and Notice of such Meeting shall be published with the Votes; and all the Proceedings of such former Committee shall be void and of no Effect: Provided always, that, if all the Parties before the Committee consent thereto, the Two remaining Members of the Committee, or the sole remaining Member, if only One, shall continue to act, and shall thenceforth constitute the Committee.

Speaker to appoint Agent in certain Cases.

16. If the said Committee shall in the Course of their Inquiry signify in Writing to the Speaker that they cannot properly investigate the Matter referred to them without the Assistance of an Agent, the Speaker shall thereupon nominate an Agent to prosecute such Investigation before such Committee.

CLAUSE E.

Agent to certify to the Treasury the Amount of Money required for Prosecution.

17. *Upon the Prosecution of any Inquiry under the Authority of this Act by an Agent appointed by the Speaker as aforesaid, every such Agent is hereby authorized from Time to Time to certify under his Hand to the Commissioners of Her Majesty's Treasury what Sums of Money are required to meet the necessary Expenses for effectually prosecuting the said Inquiry, including the Sums proper and necessary to be paid to and for the Witnesses who may be required to attend the Inquiry, and the said Commissioners shall be authorized to advance to the said Agent, from Time to Time, such Sum as shall be needed for the Purposes aforesaid, which Sums, or so much thereof as shall be levied for the Payment of Costs as herein-after provided, shall be reimbursed to the said Commissioners.*

Provision as to Withdrawal.

18. Upon the Presentation to the House of a Report of such Committee, that there are reasonable Grounds for the Withdrawal of such Petition, such Petition shall be withdrawn, but otherwise such Petition shall be referred back by the House to the General Committee of Elections, and shall be treated as an Election Petition received by the House, and referred by the House to the General Committee of Elections, and shall be placed at the Bottom of the then List of Election Petitions.

Provision as to Costs in case of Withdrawal.

19. In every Case of Withdrawal, unless such Committee shall otherwise order and report, the Petitioner shall be liable to the Payment of such Costs and Expenses as have been incurred, up to the Time of the giving such Notice of Withdrawal, by the Sitting Member or other Party complained of in such Petition, and also by any Party admitted to oppose the Prayer of such Petition, to be taxed as provided by the Principal Act.

Petitioner in certain Cases to be liable for Costs of Inquiry.

20. The Costs and Expenses occasioned in and about any Inquiry under the Authority of this Act shall be paid by the Petitioner, unless the said Committee shall report that, in their Opinion, reasonable Grounds have been shown for the Withdrawal of the Petition, or that the Costs of such Inquiry, or any Part thereof, should be paid by some other Person as herein-after provided; and all Costs and Expenses payable by the Petitioner shall be ascertained and recovered in the same Manner as the Costs and Expenses mentioned in the Principal Act as so payable.

In case of corrupt Bargain, guilty Party to be liable to Costs.

21. In case it shall be proved to the Satisfaction of the Committee that any Person other than the Petitioner has been concerned in any Negotiation for the Withdrawal of the Petition, it shall be lawful for the Committee, in their Discretion, unless the Committee shall report that reasonable Grounds have been shown for such Withdrawal, to order and report that the Costs of such Inquiry, or any Part of them, shall be paid by such Person, provided that such Person shall have been first duly heard by the said Committee; and in that Case the Provisions of the Fifteenth, Sixteenth, Seventeenth, and Eighteenth Sections of an Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter One hundred and two, intituled "An "Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament," shall, so far as the same are applicable, apply to the certifying and recovering of the Costs in this Section mentioned.

In case of corrupt Bargain, Recognizances to be forfeited.

22. If in the Course of such Inquiry it shall be shown to the Satisfaction of such Committee, and they shall report that any Bargain, Compromise, Arrangement, or Understanding, covert or otherwise, has been made for the Withdrawal of such Petition, in order to avoid the Discovery of Bribery or corrupt Practices at an Election, or in consideration of the Withdrawal of any Petition relating to any other Election.

Trusts of Monies paid into the Bank of England in lieu of Recognizances.

23. All Monies paid into the Bank of England to the Account of the Speaker and the Examiner of Recognizances under the Provisions of the Principal Act shall be held by them as Trustees for the Purposes for which the Recognizance is required by this Act as well as by the Principal Act.

CLAUSE I.
Second Committee to be appointed in certain Cases.

24. If at any Time after the Appointment of any such Committee it shall appear to the General Committee of Elections that such Committee will be unable, within reasonable Time, to inquire into and report upon all the Cases of Withdrawal that have arisen, another Committee shall be appointed, to be called "The Election Petitions Withdrawal Committee, No. 2," exactly in the same Manner as the Committee before mentioned, which shall then be called "The Election Petitions Withdrawal Committee, No. 1," and each of such Committees shall be deemed the Election Petitions Withdrawal Committee within the Meaning of this Act.

SCHE-

SCHEDULE.

Form of Recognizance.

Be it remembered, That on the Day of in the Year of our Lord 186 , before me, *A.B.*, Esquire [Examiner of Recognizances for the House of Commons, *or* One of Her Majesty's Justices of the Peace for the of], came , and acknowledged himself [*or* severally acknowledged themselves] to owe to our Sovereign Lady the Queen the Sum of One thousand Pounds [*or* the following Sums, (that is to say,) the said the Sum of , the said the Sum of , the said the Sum of , the said the Sum of], to be levied on his [*or* their respective] Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, that if [*here insert the Names of all the Petitioners, and, if more than One, add*, or any of them,] shall well and truly pay all Costs and Expenses in respect of the Election Petition signed by him [*or* them] relating to the [*here insert the Name of the Borough, City, or County*], which shall become payable by the said Petitioner [*or* Petitioners] by virtue of the Certificate of the Speaker of the House of Commons, to any Person named in such Certificate, under the Provisions of "The Election Petitions Act, 1848," or of "The Election Petitions Act, 1863," then this Recognizance to be void, otherwise to be of full Force and Effect.

Election Petitions.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Law relating to Election Petitions.

(*Prepared and brought in by*
Mr. Hunt and Mr. Serjeant Pigott.)

Ordered, by The House of Commons, *to be Printed,*
25 *June* 1863.

[Bill 186.]

Under 1 *oz.*

15

4 *March* 1863. 26 Vict.

A

BILL

TO

Further limit and define the Time for proceeding to Election during the Recess.

Preamble.

WHEREAS by the Twenty-fourth George the Third, Chapter Twenty-six, the Fifty-second George the Third, Chapter One hundred and forty-four, and the Twenty-first and Twenty-second Victoria, Chapter One hundred and ten, the Speaker is enabled to issue his Warrant to the Clerk of the Crown to make out new Writs for the Election of Members of the House of Commons in certain Cases during the Recess of Parliament, after giving Fourteen Days Notice in the London Gazette: And whereas it is expedient to limit the Time of Notice required by the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Speaker to issue Warrants Four instead of Fourteen Days after Notice in Gazette.

1. In the Cases provided for by the Twenty-fourth George the Third, Chapter Twenty-six, the Fifty-second George the Third, Chapter One hundred and forty-four, and the Twenty-first and Twenty-second of Victoria, Chapter One hundred and ten, the Speaker shall issue such Warrant Four instead of Fourteen Days after he has notified in the Gazette that he has received the Certificates prescribed by the said Acts, and the said Acts shall be so construed as if Four and not Fourteen Days Notice had been originally inserted in the said Acts and this Act, and the said Acts shall be construed and read together.

6 *February* 1863. 26 Vict.

A

BILL

TO

Amend the Law relating to Endowed Schools.

Preamble.

WHEREAS it is apprehended that according to the Law at present in force no Person not conforming to the Church of England can hold the Mastership of any School of Royal Foundation or of any other Endowed School or Charity for the Education of Youth, unless the same shall have been founded for the immediate Use and Benefit of Persons not conforming to the said Church, and it is right that such Restriction should be removed, and that the Laws relating to the Government and Religious Teaching of such Schools should in other respects be amended, so that the same should, so far as possible, be open to all Subjects of the Realm without any Distinction whatever: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Endowed School of Royal Foundation to be deemed a Church of England School, and every one to be admitted, without Distinction on

1. No Endowed School, or Charity for the Education of Youth, of Royal Foundation, shall be deemed to have been founded for the Purpose of affording Religious Instruction according to the Doctrines of the Church of England; and every Subject of the Realm, without any Distinction on the Ground of his Religious Belief, shall, if qualified the Ground of Religious Belief, to be a Trustee, Master, or Scholar thereof.

in other respects, be entitled to receive the Education and participate in the full Benefit of every such School or Charity, and also to be a Trustee of the Property of such School or Charity, and to hold any Office in its Government or Teaching.

No other School to be deemed a Church of England School unless founded for its immediate Use.

2. No Endowed School or Charity for the Education of Youth not of Royal Foundation shall be deemed to have been so founded, unless the same shall have been founded for the immediate Use and Benefit of Members of the Church of England.

In ascertaining whether a School belongs to the Church of England, no Rule of Evidence to be applied which would not serve to show that it belonged to some other Religious Body.

3. In ascertaining whether any School or Charity has been founded for the immediate Use or Benefit of Members of the Church of England, no Regard shall be had to any Presumption or Principles of Law or Rules of Evidence in obedience to which any Court of Civil Judicature may have heretofore declared, ordered, or adjudged that any College, School, or Charity shall be deemed to have been founded for the immediate Use and Benefit of Members of the Church of England, or that the Teaching and Government thereof must be in accordance with the Doctrines and Discipline of the said Church, save in so far only as the same Presumptions, Principles, or Rules may have been or may be used and applied in determining that any College, School, or Charity has been founded for the immediate Use and Benefit of some Religious Body not conforming to the Church of England.

Where a School does not belong to some Religious Body, the Religious Teaching to be determined by the Trustees for the Time being.

4. Unless any School or Charity shall appear to have been founded for the immediate Use and Benefit of Members of the Church of England, or of some Religious Body not conforming thereto, the Nature and Extent of Religious Teaching therein shall be determined by the Majority for the Time being of the Trustees or other Persons who by the Constitution of such School or Charity shall for the Time being be the Governors thereof; but no Child receiving Education in any School or Charity as to which the same shall not appear shall be required to learn the Doctrine or Formularies of any Religious Communion, Sect, or Denomination, or to attend the Celebration of Divine Worship according to the Ritual thereof, unless his Father, if living, shall belong, or if dead shall have belonged at the Time of his Death, to the same Communion, Sect, or Denomination.

The Sections of the Act of Uniformity requiring Declaration to be made and Licence obtained before exercising certain Offices repealed as to Schoolmasters and Tutors.

5. Sections Eight, Nine, Ten, and Eleven of the Statute made in the Thirteenth and Fourteenth Year of the Reign of King Charles the Second are hereby repealed, so far as they relate to Schoolmasters and Tutors.

Short Title.

6. This Act may be cited as "The Endowed Schools Act, 1863."

Endowed Schools.

A

BILL

To amend the Law relating to Endowed Schools.

(*Prepared and brought in by*
Mr. Dillwyn and Sir Charles Douglas.)

Ordered, by The House of Commons, *to be Printed,*
6 *February* 1863.

[Bill 3.]

Under 1 *oz.*

6 *March* 1863. 26 Vict.

A

BILL

INTITULED

An Act to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales.

Preamble.

WHEREAS in all Parishes in Wales in which Welsh is the Tongue commonly spoken by the People it is required by Law that the ordinary Parochial Services be in the Welsh Tongue: And whereas it is expedient to authorize the Performance in certain Parishes in Wales of Divine Service, Preaching, and Administration of the Sacraments according to the Use of the United Church of England and Ireland in the English Tongue; Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Bishop of Welsh Dioceses may license Chapel for Performance of Divine Service in English, and nominate Minister thereto.

1. It shall be lawful for the Bishop of any Diocese in Wales to license any Building in any Part of any Parish, District, or Place in the said Diocese in which the ordinary Parochial Services are by Law required to be in the Welsh Tongue, as a Chapel for the Performance of Divine Service, Preaching, and Administration of the Sacraments according to the Use of the United Church of England and Ireland, in the English Tongue; and to nominate and license a Minister to perform such of the said Services and Offices as may be specified in the said Licence, without the said Minister being liable to any Ecclesiastical Censures or Penalties for officiating under the said Licence.

Licensed Building not to be a Parochial Chapel.

2. The said licensed Building shall not be, nor be held to be, a Parochial Chapel; and nothing contained in this Act shall give the Minister of the said licensed Building any Power or Authority to perform any pastoral or ministerial Functions other than are specified in the said Licence.

Incumbent's Rights not to be affected.

3. Nothing herein contained shall affect the Right of the Incumbent of the said Parish, District, or Place in which the said licensed Building shall be situated, in respect of the Publication of Banns, or the Solemnization of Marriages, or the Performance of Burials, or his Right to any Offertory or any Fees, Dues, or Emoluments to which he may be at the passing of this Act legally entitled.

169

20 *April* 1863. 26 Vict.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales.

WHEREAS in all Parishes in Wales in which Welsh is the Tongue commonly spoken by the People it is required by Law that the whole Divine Service shall be used and said by the Minister and Curates throughout all Wales, within the said Dioceses where the Welsh Tongue is commonly used, in the British or Welsh Tongue: And whereas it is expedient to authorize the Performance in certain Parishes in Wales of Divine Service, Preaching, and Administration of the Sacraments according to the Use of the United Church of England and Ireland in the English Tongue, upon such Application and subject to such Conditions as are herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: **Preamble.**

1. That wherever any Ten or more English Residents, or those who commonly use the English Language, in any Parish, District, or Place in Wales, shall certify in Writing to the Bishop of the Diocese within **Bishop of Welsh Diocese may license**

Chapel for Performance of Divine Service in English, and nominate Minister thereto.

within which such Parish, District, or Place is situate, that they are desirous of having Divine Service performed and the Sacraments administered in their own Language, and that they, or some of them, either by themselves or with the Assistance of other Persons belonging to the Church of England, will undertake to raise by private Subscription such Sum as may be necessary for procuring a Building to be used as a Chapel for the Performance of Divine Service in the English Tongue, and to provide a competent Sum for the Spiritual Person who may officiate therein, and for all other Expenses incident thereto, and shall apply to such Bishop to give the necessary Licences for the Purposes aforesaid, it shall be lawful for such Bishop, provided the said Incumbent shall have consented thereto, to license from Year to Year, or for any Term not exceeding Two Years, any Building in any Part of any Parish, District, or Place in the said Diocese in which the ordinary Parochial Services are by Law required to be in the Welsh Tongue, as a Chapel for the Performance of Divine Service, Preaching, and Administration of the Sacraments according to the Use of the United Church of England and Ireland, in the English Tongue, and to nominate and license a Minister to perform such of the said Services and Offices as may be specified in the said Licence, without the said Minister being liable to any Ecclesiastical Censures or Penalties for officiating under the said Licence.

Proviso.

2. Provided, however, That in case the said Incumbent shall not have consented thereto, then the Persons making such Application as aforesaid shall in every such Case, at the Time of making the same, give Notice to the Incumbent of such Application, in order to afford to such Incumbent the Opportunity of laying before the Bishop any Statement in Writing relating thereto, and that the said Bishop shall not signify his Approval of such Application until One Calendar Month has expired after he shall have received the same: Provided also, that in case the Incumbent shall not be satisfied with the Bishop's Decision in that Behalf, he shall be at liberty to appeal to the Archbishop of the Province in which the Parish, District, or Place is situated, against such Decision, and in that Case no such Licence as aforesaid shall be given unless and until the said Archbishop shall express in Writing his Approval thereof.

Licensed Building not to be a Parochial Chapel.

3. The said licensed Building shall not be nor be held to be a Parochial Chapel; and nothing contained in this Act shall give the Minister of the said licensed Building any Power or Authority to perform any Pastoral or Ministerial Functions other than are specified in the said Licence.

4. Nothing herein contained shall affect the Right of the Incumbent of the said Parish, District, or Place in which the said licensed Building shall be situated, in respect of the Publication of Banns, or the Solemnization of Marriages, or the Performance of Burials, or his Right to any Offertory, or any Fees, Dues, or Emoluments to which he may be at the passing of this Act legally entitled. Incumbent's Rights not to be affected.

English Church Services in Wales.

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales.

(*Brought from the Lords 2 March* 1863.)

Ordered, by The House of Commons, *to be Printed,*
20 *April* 1863.

[Bill 81.]

Under 1 *oz.*

25 *June* 1863. 26 & 27 Vict.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITULED

An Act to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales.

Preamble.

WHEREAS in all Parishes in Wales in which Welsh is the Tongue commonly spoken by the People it is required by Law that the whole Divine Service shall be used and said by the Minister and Curates throughout all Wales, within the said Dioceses where the Welsh Tongue is commonly used, in the British or Welsh Tongue: And whereas it is expedient to authorize the Performance in certain Parishes in Wales of Divine Service, Preaching, and Administration of the Sacraments according to the Use of the United Church of England and Ireland in the English Tongue, upon such Application and subject to such Conditions as are herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Bishop of Welsh Diocese may license

1. That wherever any Ten or more Inhabitants in any Parish, District, or Place in Wales shall certify in Writing to the Bishop of the Diocese within which such Parish, District, or Place is situate, that they

Chapel for Performance of Divine Service in English, and nominate Minister thereto.

they are desirous of having Divine Service performed and the Sacraments administered in the English Language, and that they, or some of them, will undertake to provide a Building to be used as a Chapel for the Performance of Divine Service in the English Tongue, and to provide for a Spiritual Person who may officiate therein, and for all other Expenses incident thereto, and shall apply to such Bishop to give the necessary Licences for the Purposes aforesaid, it shall be lawful for such Bishop, if it shall appear to him that sufficient Provision is not already made for such English Service, to license, on the Nomination by the Incumbent of the said Parish, District, or Place of a fit and proper Person as Minister to such Chapel, from Year to Year, or for any Term not exceeding Two Years, any Building in any Part of such Parish, District, or Place as a Chapel for the Performance of Divine Service, Preaching, and Administration of the Sacraments according to the Use of the United Church of England and Ireland, in the English Tongue, and to nominate and license a Minister to perform such of the said Services and Offices as may be specified in the said Licence.

CLAUSE A. Provision for Cases in which Incumbent refuses or fails to nominate.

2. Provided, however, that in case the said Incumbent shall fail or refuse to nominate a fit and proper Person as Minister to such Chapel, or in case any Disagreement or Dispute shall arise between the Persons so applying and the Incumbent, either in respect of the Sufficiency of the said Services, or of the Provision for the Performance of such Services, or for the Minister, or in respect of the Competency of the Minister to be nominated, then the Bishop of such Diocese (after the Expiration of Three Calendar Months from the Receipt of such Application as aforesaid, due Notice of such Application having been given by the Persons so applying to the Incumbent) may signify in Writing to the Incumbent the Name of the Minister whom it is his Intention to nominate as the officiating Minister of such Chapel; and in case the Incumbent shall not, within Fourteen Days from such last Notification, signify in Writing his Dissent to such Nomination, it shall be lawful for the Bishop to nominate and license such Minister: Provided nevertheless, that in case the Incumbent shall, within the same Fourteen Days, signify his Dissent therefrom, such Nomination shall be referred by the said Bishop to the Archbishop of the Province in which such Diocese shall be situated, and such Licence shall not be granted without the Approval in Writing of the said Archbishop.

Licensed Building not to be a Parochial Chapel.

3. The said licensed Building shall not, without the Assent of the Incumbent, be nor be held to be a Parochial Chapel; and nothing contained in this Act shall give the Minister of the said licensed Building any Power or Authority to perform any Pastoral or Ministerial Functions other than are specified in the said Licence.

4. Nothing herein contained shall affect the Right of the Incumbent of the said Parish, District, or Place in which the said licensed Building shall be situated, in respect of the Publication of Banns, or the Solemnization of Marriages, or the Performance of Burials, or his Right to any Offertory, or any Fees, Dues, or Emoluments to which he may be at the passing of this Act legally entitled.

Incumbent's Rights not to be affected.

English Church Services in Wales.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITULED

An Act to empower the Bishops of Welsh Dioceses to facilitate the making Provision for English Services in certain Parishes in Wales.

(*Brought from the Lords 2 March* 1863.)

Ordered, by The House of Commons, *to be Printed,*
25 *June* 1863.

[Bill 190.]

Under 1 *oz.*

14 *May* 1863. 26 VICT.

A

BILL

TO

Make better Provision for the Enforcement throughout England and Ireland of the Decrees and Orders of the Courts of Chancery, Probate, and Divorce.

Preamble.

41 G. 3. c. 90.

2 & 3 W. 4. c. 93.

WHEREAS by an Act passed in the Session of Parliament held in the Forty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act for "the more speedy and effectual Recovery of Debts due to His "Majesty, His Heirs and Successors, in right of the Crown of the "United Kingdom of Great Britain and Ireland, and for the better "Administration of Justice within the same," it was among other others enacted, that Decrees and Orders of the High Court of Chancery in England might be enrolled and enforced in Ireland, and Decrees and Orders of the High Court of Chancery in Ireland might be enrolled and enforced in England, in the Manner in the Fifth and Sixth Sections of the said Act particularly mentioned: And whereas by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for enforcing the Process upon Contempts in the "Courts Ecclesiastical of England and Ireland," Provision was made for enforcing, by the Authority of the High Courts of Chancery in England and Ireland respectively, Decrees and Orders of the Ecclesiastical Courts of both Countries against Persons resident in or having Property within the Jurisdiction of either of such Courts: And whereas by Two Acts passed in the Session of Parliament held in the Twentieth and Twenty-first Years of the Reign of Her Majesty the Queen, intituled, respectively, "An Act to amend the Law "relating to Divorce and Matrimonial Causes in England," and "An "Act to amend the Laws relating to Probates and Letters of Administration in England," certain Parts of the Jurisdiction theretofore exercised by the Ecclesiastical Courts in England were transferred to the Court of Divorce and Matrimonial Causes, and the Court of Probate, instituted respectively by the said Acts: And whereas by another Act passed in the same Session of Parliament, intituled "An "Act to amend the Law relating to Probates and Letters of Administration in Ireland," certain Parts of the Jurisdiction theretofore exercised by the Ecclesiastical Courts in Ireland were in like Manner transferred to the Court of Probate instituted by the said Act: And whereas the said several last-mentioned Acts provide for the Enforcement of Decrees and Orders of the Courts instituted by them respectively in the same Manner as Decrees of the Court of Chancery may be enforced; and it is doubtful whether, or in what Manner, such Decrees or Orders may be enforced in that Part of the United Kingdom in which the Court pronouncing the same has no Jurisdiction; and it is expedient to make Provision for so enforcing the same, and otherwise to amend the Provisions of the said first-mentioned Act of the Forty-first Year of the Reign of His late Majesty King George the Third: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

20 & 21 Vict. c. 85.

20 & 21 Vict. c. 77.

20 & 21 Vict. c. 79.

Decrees of Divorce and Probate Courts may be enrolled in Ireland;

1. Whenever at the Time of the *passing of this Act*, or at any Time thereafter, any Decree or Order shall have been pronounced by the Court of Divorce and Matrimonial Causes or the Court of Probate in England, such Decree or Order may be enrolled in the High Court of Chancery in Ireland in manner provided by the Fifth Section of the said Act of the Forty-first Year of His late Majesty King George the Third.

and of Irish Court of Probate in England.

2. Whenever at the Time of the *passing of this Act*, or at any Time thereafter, any Decree or Order shall be made by the Court of Probate in Ireland, such Decree or Order may be enrolled in the High Court of Chancery in England in the Manner provided by the Sixth Section of the said Act.

3. For the Purpose of such Enrolment the Court for Divorce and Matrimonial Causes and the Courts of Probate in England and Ireland respectively shall, upon Application made to them, cause Copies of such Decrees and Orders to be made and certified under the Seal of the Court, and such certified Copies shall be enrolled in the same Manner as is provided for Exemplifications of Decrees of Chancery under the Provisions of the said first-recited Act.

Courts to give certified Copies.

4. All the Provisions of the Fifth and Sixth Sections of the said first-recited Act shall apply and extend to all Orders and Decrees of the High Courts of Chancery in England and Ireland respectively.

Act 41 G. 3. to extend to all Decrees.

5. All Orders and Decrees so enrolled in the High Court of Chancery in England under the Provisions of the said first-recited Act or of this Act shall, for the Purposes of issuing Execution thereon, or of charging Land or other Property in England, be deemed and taken to be Decrees and Orders of the High Court of Chancery in England; and all Decrees and Orders enrolled in the High Court of Chancery in Ireland under said Provisions shall, for all Purposes of Execution and of charging Property in Ireland, be deemed and taken to be Decrees of the High Court of Chancery in Ireland; and all such Decrees and Orders shall have the same Force and Effect, be enforceable, and in all respects whatsoever be attended by all the same Rights and Remedies as Decrees or Orders originally pronounced by the Court in which they are so enrolled.

Decrees to have the Effect of Decrees of the Court in which they are enrolled.

6. After the *passing of this Act* no Decree or Order shall be so enrolled in the High Court of Chancery in England or Ireland, unless an Order shall be made, upon special Application to the Court in which such Decree or Order shall have been originally made and pronounced, authorizing the Party applying to make such Enrolment; and no Exemplification or certified Copy of any Decree or Order shall be given by any of the said Courts for the Purpose of such Enrolment, unless upon such Application the Court shall be satisfied that such Enrolment is requisite for the Purposes of Justice.

No Decree to be enrolled without special Order.

7. The Word "Court" in this Act shall mean and include the High Courts of Chancery in England and Ireland respectively, the Courts of Probate in England and Ireland, and the Court of Divorce and Matrimonial Causes, and every Judge, Vice-Chancellor, Master, or other Person by whom Causes may be tried and determined and Decrees or Orders made or pronounced in any of the said Courts.

Interpretation.

8. This Act may be cited for all Purposes as "The Execution of Decree Acts, 1863."

Short Title.

Execution of Decrees.

A

B I L L

To make better Provision for the Enforcement throughout England and Ireland of the Decrees and Orders of the Courts of Chancery, Probate, and Divorce.

(*Prepared and brought in by*
Mr. Butt, Mr. Longfield, and Mr. Murray.)

Ordered, by The House of Commons, *to be Printed,*
14 *May* 1863.

[Bill 125.]

Under 1 *oz.*

4 *June* 1863. 26 VICT.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Make better Provision for the Enforcement throughout England and Ireland of the Decrees and Orders of the Courts of Chancery, Probate, and Divorce.

Preamble.

41 G. 3. c. 90.

WHEREAS by an Act passed in the Session of Parliament held in the Forty-first Year of the Reign of His late Majesty King George the Third, intituled "An Act for "the more speedy and effectual Recovery of Debts due to His "Majesty, His Heirs and Successors, in right of the Crown of the "United Kingdom of Great Britain and Ireland, and for the better "Administration of Justice within the same," it was among other others enacted, that Decrees and Orders of the High Court of Chancery in England might be enrolled and enforced in Ireland, and Decrees and Orders of the High Court of Chancery in Ireland might be enrolled and enforced in England, in the Manner in the Fifth and Sixth Sections of the said Act particularly mentioned: And whereas by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled "An Act for enforcing the Process upon Contempts in the "Courts Ecclesiastical of England and Ireland," Provision was made for enforcing, by the Authority of the High Courts of Chancery in England and Ireland respectively, Decrees and Orders of the Ecclesi-

2 & 3 W. 4. c. 93.

astical Courts of both Countries against Persons resident in or having Property within the Jurisdiction of either of such Courts: And whereas by Two Acts passed in the Session of Parliament held in the Twentieth and Twenty-first Years of the Reign of Her Majesty the Queen, intituled, respectively, "An Act to amend the Law "relating to Divorce and Matrimonial Causes in England," and "An "Act to amend the Laws relating to Probates and Letters of Administration in England," certain Parts of the Jurisdiction theretofore exercised by the Ecclesiastical Courts in England were transferred to the Court of Divorce and Matrimonial Causes, and the Court of Probate, instituted respectively by the said Acts: And whereas by another Act passed in the same Session of Parliament, intituled "An "Act to amend the Law relating to Probates and Letters of Administration in Ireland," certain Parts of the Jurisdiction theretofore exercised by the Ecclesiastical Courts in Ireland were in like Manner transferred to the Court of Probate instituted by the said Act: And whereas the said several last-mentioned Acts provide for the Enforcement of Decrees and Orders of the Courts instituted by them respectively in the same Manner as Decrees of the Court of Chancery may be enforced; and it is doubtful whether, or in what Manner, such Decrees or Orders may be enforced in that Part of the United Kingdom in which the Court pronouncing the same has no Jurisdiction; and it is expedient to make Provision for so enforcing the same, and otherwise to amend the Provisions of the said first-mentioned Act of the Forty-first Year of the Reign of His late Majesty King George the Third: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

20 & 21 Vict. c. 85.
20 & 21 Vict. c. 77.
20 & 21 Vict. c. 79.

Decrees of Divorce and Probate Courts may be enrolled in Ireland;

1. Whenever at the Time of the passing of this Act, or at any Time thereafter, any Decree or Order shall have been pronounced by the Court of Divorce and Matrimonial Causes or the Court of Probate in England, such Decree or Order may be enrolled in the High Court of Chancery in Ireland in manner provided by the Fifth Section of the said Act of the Forty-first Year of His late Majesty King George the Third.

and of Irish Court of Probate in England.

2. Whenever at the Time of the passing of this Act, or at any Time thereafter, any Decree or Order shall have been pronounced by the Court of Probate in Ireland, such Decree or Order may be enrolled in the High Court of Chancery in England in the Manner provided by the Sixth Section of the said Act.

3. For the Purpose of such Enrolment the Court for Divorce and Matrimonial Causes and the Courts of Probate in England and Ireland respectively shall, upon Application made to them in manner hereinafter mentioned, cause Copies of such Decrees and Orders to be made and certified under the Seal of the Court, and such certified Copies shall be enrolled in the same Manner as is provided for Exemplifications of Decrees of the High Courts of Chancery under the Provisions of the said first-recited Act.

Courts to give certified Copies.

4. All the Provisions of the Fifth and Sixth Sections of the said first-recited Act shall apply and extend to all Orders and Decrees of the High Courts of Chancery in England and Ireland respectively.

Act 41 G. 3. to extend to all Decrees.

Clause A.

Decrees to have the Effect of Decrees of the Court in which they are enrolled.

5. Every Order and Decree which is or shall be enrolled in the High Court of Chancery in England or Ireland under the Provisions of the first-recited Act or of this Act shall, to the Extent and for the Purposes herein-after mentioned, be deemed and taken to be an Order or Decree of the Court in which it is or shall be enrolled; that is to say, so far as it directs the Payment of any Sum of Money, or the doing of any Act, Matter, or Thing, or so far as it prohibits the doing of any Act Matter, or Thing, and for the Purpose of enforcing the Payment of such Money or issuing Execution or Process, or of charging any Land or other Property, or of enforcing Obedience or of punishing Disobedience to such Decree or Order; and to the Extent and for the Purposes aforesaid, every such Decree and Order shall have the same Force and Effect, and be attended by the same Consequences and Incidents, and be enforceable in all respects in the same Manner and with the same Rights and Remedies as if it had been originally pronounced in the Court in which it is or shall be enrolled; but, except to the Extent and for the Purposes aforesaid, nothing herein contained shall give to any such Decree or Order any Effect, Validity, or Operation in England or Ireland respectively which it would not have had if this Act had not been passed, and if such Enrolment had not taken place; and no Decree or Order which contains or includes any Provision for the Dissolution of a Marriage shall have, as to such Dissolution, any Effect or Authority whatever which it would not have had without such Enrolment, nor as to such Dissolution be deemed or taken to be a Decree of the Court of Chancery in Ireland for any Purpose whatever.

6. After the passing of this Act no Decree or Order shall be so enrolled in the High Court of Chancery in England or Ireland, unless upon the Production of an Order from the Court in which it was originally made or pronounced, authorizing the Issue of an Exemplification or certified Copy for the Purpose of such Enrolment, and no

No Decree to be enrolled without an Order from the Court in which it was made.

no such last-mentioned Order shall be made unless upon special Application the Court shall be satisfied that such Enrolment is requisite for the Purposes of Justice.

Clause B. Lord Chancellor to direct the vacating of any Enrolment.

7. The Lord Chancellors in England and Ireland respectively shall, upon good Cause shown, direct the vacating of any Enrolment made under the Provisions of this Act or of the first-recited Act.

Interpretation.

8. The Word "Court" in this Act shall mean and include the High Courts of Chancery in England and Ireland respectively, the Courts of Probate in England and Ireland, and the Court of Divorce and Matrimonial Causes, and every Judge, Vice-Chancellor, Master, or other Person by whom Causes may be tried and determined and Decrees or Orders made or pronounced in any of the said Courts.

Short Title.

9. This Act may be cited for all Purposes as "The Execution of Decrees Act, 1863."

Execution of Decrees.

A

B I L L

[As amended in Committee]

To make better Provision for the Enforcement throughout England and Ireland of the Decrees and Orders of the Courts of Chancery, Probate, and Divorce.

(Prepared and brought in by Mr. Butt, Mr. Longfield, and Mr. Murray.)

Ordered, by The House of Commons, *to be Printed,*
4 *June* 1863.

[Bill 153.]

Under 1 *oz.*

185

A

BILL

INTITULED

An Act to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862.

WHEREAS it is expedient to prevent false Representations with respect to Grants of Medals and Certificates by the Commissioners for the Exhibition of 1851 and the Commissioners for the Exhibition of 1862: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. If any Trader commits any of the Offences following; that is to say, Penalty on false Representations.

1. Falsely represents that he has obtained a Medal or Certificate from the Exhibition Commissioners in respect of any Article or Process for which a Medal or Certificate has been awarded by the Commissioners:
2. Falsely represents (knowing such Representation to be false) that any other Trader has obtained a Medal or Certificate from the Exhibition Commissioners;
3. Falsely represents (knowing such Representation to be false) that any Article sold or exposed for Sale has been made by, or by any Process invented by, a Person who has obtained in respect of such Article or Process a Medal or Certificate from the Exhibition Commissioners;

He shall incur the following Penalties; that is to say,

1. For the First Offence he shall forfeit to Her Majesty a Sum not exceeding Five Pounds.
2. For any subsequent Offence he shall forfeit to Her Majesty a Sum not exceeding Twenty Pounds, or be imprisoned for a Period not exceeding Six Months.

Provisions as to Proceedings under this Act.

2. In Proceedings under this Act it shall not be necessary to prove that any Person has sustained Damage by the false Representations of the Defendant.

It shall not be necessary in any Proceedings under this Act to set out any Copy or Fac-simile of any Medal or Certificate.

Definition of Terms.

3. For the Purposes of this Act "The Exhibition Commissioners" shall mean the Commissioners for the Exhibition of 1851 and the Commissioners for the Exhibition of 1862, or either of such Bodies of Commissioners.

The Term "Defendant" shall mean any Person against whom Proceedings may be taken under this Act.

Recovery of Penalties.

4. Offences under this Act may be prosecuted summarily in England and Ireland before Two Justices; as to England, in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the "Duties of Justices of the Peace out of Sessions within England and "Wales with respect to summary Convictions and Orders," or any Act amending the same; as to Ireland, in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, intituled "An "Act to consolidate and amend the Acts regulating the Proceedings "in Petty Sessions, and the Duties of Justices of the Peace out of "Quarter Sessions, in Ireland," or any Act amending the same.

In Scotland, an Offence against this Act may be prosecuted summarily at the Instance of the Procurator Fiscal before any Sheriff or Sheriff Substitute or before any Two Justices of the County, or before the Magistrates or any Police Magistrate of the Burgh in which the Offence was committed.

Conviction not to affect any Right or Civil Remedy.

5. No Provision of this Act shall take away, diminish, or prejudicially affect any Suit, Process, Proceeding, Right, or Remedy which any Person may be entitled to at Law, in Equity, or otherwise; nor exempt or excuse any Person from answering or making Discovery upon Examination as a Witness, or upon Interrogatories or otherwise, in any Suit or other Civil Proceeding: Provided always, that no Evidence, Statement, or Discovery which any Person shall be compelled to give or make shall be admissible in Evidence against such Person in support of any Indictment for a Misdemeanor at Common Law or otherwise, or of any Proceeding under the Provisions of this Act.

6. This Act may be cited for all Purposes as "The Exhibition Medals Act, 1863."

Short Title of Act.

Exhibition Medals.

A

B I L L

INTITULED

An Act to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862.

(*Brought from the Lords* 23 *July* 1863.)

Ordered, by The House of Commons, *to be Printed,*
23 *July* 1863.

[Bill 261.]

189

14 *July* 1863. 26 & 27 Vict.

A

BILL

FOR

Continuing various expiring Acts.

WHEREAS the several Acts mentioned in the First Column of the Schedule hereto are wholly, or as to certain Provisions thereof, limited to expire at the Times specified in respect of such Acts in the Fourth Column of the said Schedule: And whereas it is expedient to continue such Acts, in so far as they are temporary in their Duration, for the Times mentioned in respect of each such Act in the Fifth Column of the said Schedule: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as the "Expiring Laws Continuance Act, 1863." Short Title of Act.

2. The Acts mentioned in Column One of the said Schedule, together with the Acts, if any, amending the same, shall, in so far as such Acts or any Provisions thereof are temporary in their Duration, be continued until the Times respectively specified in respect of such Acts in the Fifth Column of the said Schedule. Continuance of Acts.

SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
3 & 4 Vict. c. 89. - Poor Rates Stock in Trade Exemption.	- - -	Whole Act -	1st October 1862, and End of then next Session. (22 & 23 Vict. c. 44.)	*1st October 1865, and End of then next Session.*
10 & 11 Vict. c. 90. Poor Laws (Ireland).	14 & 15 Vict. c. 68.	As to Powers of Commissioners.	23d July 1863, and End of then next Session. (25 & 26 Vict. c. 83.)	*23d July 1864, and End of then next Session.*
10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	- - -	As to Provisions continued by 21 & 22 Vict. c. 50.	1st August 1862, and End of then next Session. (22 & 23 Vict. c. 45.)	*1st August 1863, and End of then next Session.*
11 & 12 Vict. c. 32. County Cess (Ireland).	20 & 21 Vict. c. 7.	Whole Act -	1st August 1863, and End of then next Session. (24 & 25 Vict. c. 58.)	*1st August 1864, and End of then next Session.*
11 & 12 Vict. c. 107. Sheep and Cattle diseased.	16 & 17 Vict. c. 72.	Whole Act -	1st August 1863, and End of then next Session. (21 & 22 Vict. c. 62.)	*1st August 1864, and End of then next Session.*
14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	Whole Act -	1st January 1863, and End of then next Session. (24 & 25 Vict. c. 131.)	*1st January 1864, and End of then next Session.*
25 & 26 Vict. c. 29. Landed Property Improvement (Ireland).	- - -	As to certain Powers conferred on Commissioners of Public Works.	1st January 1864 -	*1st January 1865, and End of then next Session.*

19 *May* 1863. 26 Vict.

A

BILL

TO

Amend the Laws relating to Fisheries in Ireland.

Preamble.

WHEREAS it is expedient to make further Provisions for carrying into effect the Law relating to the Salmon Fisheries in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title of Act.

1. This Act may be cited for all Purposes as "The Salmon Fishery (Ireland) Act, 1863."

Application of Act.

2. This Act shall not apply to England or Scotland.

Definition of Terms.

3. In this Act, unless there is something inconsistent in the Context, the Words and Expressions herein-after mentioned shall have respectively the Meanings hereby assigned to them; (that is to say,)

"Salmon Fisheries Acts" shall mean the Acts in force in Ireland relating to Salmon Fisheries:

"Tidal Waters" shall include the Sea, and all Rivers, Creeks, Streams, and other Waters as far as the Tide flows and reflows:

"Inland Waters" shall mean all Waters that are not tidal Waters:

"Fixed Net" shall have the same Meaning in this Act as "fixed Net" or "fixed Engine" is defined to have in the Salmon Fisheries Acts by the Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Eighty-eight:

"Fishing Weir" shall mean any Standing Weir, Head Weir, Dam, Dyke, or other fixed Engine that is used for catching Fish, and is not included under "fixed Net" as herein-before defined:

"Milldam" shall include every Dam, Weir, Dyke, or other Erection for sustaining the Water of a River for Milling Power, Navigation, or other Purposes.

Regulations as to fixed Engines.

Prohibition of Bag Nets in certain Places.

4. *After the passing of this Act*, no Bag Net shall be placed or allowed to continue in any River or Estuary or in any other Waters, except in the open Sea at a Distance of more than *Three* Statute Miles from the Mouths of Rivers.

Any Bag Net placed or continued in contravention of this Section shall be deemed to be a common Nuisance, and may be taken possession of or destroyed; and any Bag Net so placed or continued, and any Salmon taken by such Bag Net, shall be forfeited, and, in addition thereto, the Owner of a Bag Net placed or continued in contravention of this Section shall, for each Day of so placing or allowing the same to be continued, incur a Penalty of not less than *Five Pounds* and not exceeding *Twenty Pounds.*

But no Person shall incur any Penalty under this Section in respect of any Bag Net if he removes the same within *Fourteen* Days after the passing of this Act.

Penalty on new fixed Nets.

5. No fixed Net that is not legally in use for catching Salmon or Trout at the Time of the *passing of this Act* shall be placed or used for catching Salmon or Trout in any inland or tidal Waters.

Any Net placed or used in contravention of this Section shall be deemed to be a common Nuisance, and may be taken possession of or destroyed; and any Net so placed or used, and any Salmon taken by such Net, shall be forfeited; and, in addition thereto, the Owner of a Net placed or used in contravention of this Section shall, for each Day of so placing or using the same, incur a Penalty of not less than *Five Pounds* and not exceeding *Twenty Pounds.*

6. Subject to such Appeal as is herein-after mentioned, the Special Commissioners appointed under this Act, herein-after referred to as the Commissioners, shall abate and remove all fixed Nets erected or used for catching Salmon or Trout in Ireland that are in their Judgment injurious to Navigation, and shall inquire into the Legality of, and if satisfied of their Illegality remove, all such other fixed Nets erected or used as aforesaid as are in contravention of any Act of Parliament or Law in force in Ireland.

Commissioners to inquire as to fixed Nets.

7. Where any fixed Net, other than a Bag Net prohibited by this Act, is in use at the Time of the *passing of this Act*, and any Person claims to have erected the same in pursuance of the Act of the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter One hundred and six, the Commissioners may, on Proof being given to their Satisfaction that such fixed Net has been erected in pursuance of the said Provisions, certify to that Effect, stating in the Certificate the Situation, Size, and Description of the Net, and the Person who has the Right to erect the same, in pursuance of such last-mentioned Provisions. A Certificate given in pursuance of this Notice shall be deemed to be an Order of the Commissioners, and to be subject to Appeal as such. If unappealed from, or as confirmed or amended on Appeal, it shall be conclusive Evidence that the Person therein named is the Person specified in the said Act as entitled to exercise the Right therein given, but it shall not render any Net legal that would be otherwise illegal by reason of its being injurious to Navigation, a common Nuisance to the public Right of fishing, or otherwise in violation of Common Law.

Certificate as to certain fixed Nets.

8. Subject to such Appeal as is herein-after mentioned, the Commissioners shall inquire into the Legality of all Fishing Weirs throughout Ireland, and shall remove such as are in contravention of any Act of Parliament or Law in force in Ireland, with this Qualification, that where a Fishing Weir is illegal only by reason of its not having a free Gap, as required by Law, this Section shall not empower the Commissioners to remove such Fishing Weir, if an Undertaking be entered into to the Satisfaction of the Commissioners, by the Owner or other Person interested in such Weir, to make a legal free Gap therein within a Time to be prescribed by the Commissioners, and a free Gap is made accordingly.

Commissioners to inquire as to Fishing Weirs.

9. Where the Owner of a Fishing Weir is not at the Time of the passing of this Act liable by Law to make or widen a free Gap in his Weir, the Commissioners may, on the Application of such Person or Persons as are authorized by the Salmon Fisheries Acts

Compensation in certain Cases to Owners of Fishing Weirs.

to apply for the opening of a free Gap, require the Owner of the Weir to make a free Gap of such Size as may be determined by the Commissioners, on Compensation being given to him in manner hereinafter mentioned.

Compensation under this Section shall be paid annually to the Owner of the Weir in respect of the actual Loss sustained by him during the preceding Year, and if no Loss is sustained no Compensation shall be due.

The Amount of Compensation shall be ascertained during the *Twenty-one* Years succeeding the opening of the Gap, by calculating the Difference between the Catch of Salmon during each of the said *Twenty-one* Years and the annual Catch of Salmon on an Average of the *Seven* Years preceding the opening of the Gap, the same Engines being used.

For the Purpose of ascertaining the Difference of Catch the Commissioners, or any Persons succeeding to their Duties, may require the Owner of the Weir to produce his Books and Accounts, and to give such other Evidence (if any) as they may think necessary to prove the Catch of Fish at his Weir at the several Times mentioned in this Section.

The Compensation to be paid as aforesaid shall be contributed in such Proportions as may be determined by the Commissioners by the Persons liable under the Salmon Fisheries Acts to contribute to the Payment of the Compensation for the opening of free Gaps therein mentioned.

The Order made by the Commissioners determining the Amount of Compensation shall state the Persons by whom and to whom, and the Times and Mode at which and in which, the Compensation is to be paid; and where the Owner of the Weir is a Trustee or other Person incapable by Law of giving an effectual Receipt, the Commissioners may determine to whom the Money is to be paid, and the Receipt of the Person so determined by the Commissioners shall be effectual in Law.

The Commissioners may, upon the Request of a Majority of the Persons contributing towards Payment of Compensation for the opening of a Gap, close the same at the Expiration of any current Year, and thereupon the Payment of Compensation to the Owner of the Weir shall cease.

It shall be lawful for the Conservators of any Fishery District to apply any Monies in their Hands in aid of any Compensation to be paid under this Section.

At the End of *Twenty-one* Years from the opening of the free Gap, or at such earlier Period as may be agreed upon between the Owner of the Weir and a Majority of the Persons contributing towards Payment of Compensation to him, a permanent Rate of

Compensation shall be fixed by the Commissioners, or the Persons succeeding to their Duties, either by way of annual Sum or in a gross Sum, as they may think just.

The Commissioners may, with the joint Consent of the Owner of the Weir and of a Majority of the Persons liable to contribute to Compensation as aforesaid, award such Compensation as is directed by the said Salmon Fisheries Acts instead of such Compensation as herein mentioned, or adopt any other System of Compensation they think fit.

Any Order by the Commissioners in pursuance of this Section as originally made, or confirmed or amended on Appeal in pursuance of this Act, may be enforced in the same Manner in which an Award of the Commissioners under the Salmon Fisheries Acts in respect of the Compensation thereby made payable for the opening of free Gaps may be enforced.

All the Powers and Provisions of the Salmon Fisheries Acts relating to Compensation to be paid in respect of the opening or widening a free Gap in the Cases therein mentioned shall, with the necessary Variations, apply to the Compensation authorized to be paid under this Section.

Proceedings for Abatement of illegal Nets and Weirs.

10. Before removing any illegal fixed Net or illegal Fishing Weir, the Commissioners shall take the same Proceedings as to summoning the Parties interested in such Net or Weir, and as to hearing such Parties, and any Evidence they may produce, as the Commissioners under the Salmon Fisheries Acts are thereby required to take where any Parties complain of the erecting, maintaining, or using any fixed Engine; and a Summons issued by the Commissioners shall, in respect of the Proceedings to be taken by the Commissioners, be deemed to be equivalent to a Complaint made under the said Section.

Appeal from Decision of Special Commissioners.

11. If any Person feels aggrieved with any Decision of the Commissioners (and for the Purposes of an Appeal a Dismissal of a Complaint shall be deemed to be a Decision), the Person aggrieved may appeal as follows, and not in manner provided by the Salmon Fisheries Acts; that is to say,

1. The Appeal shall be to the Court of Queen's Bench in Ireland.
2. The Appeal shall be by Special Case stating the Facts and the Grounds for the Decision.
3. The Special Case shall be settled by the Commissioners upon the Application of the Appellant to be made in Writing within *Seven Days* after the Delivery of the Decision, and not afterwards.

4. The Application for a Case shall not be entertained by the Commissioners unless the Appellant at the Time of making the same enter into a Recognizance before the said Commissioners or a Justice of the Peace, with or without Sureties, and in such Sum as the Commissioners or the Justice think fit, conditioned to prosecute without Delay the Appeal, and to submit to the Judgment of the Court of Queen's Bench, and to pay such Costs as may be awarded.
5. The Special Case shall be signed by the Commissioners, and shall be delivered to the Appellant by the Commissioners on Payment by him of such Fees as are herein-after mentioned.
6. On the Receipt of the Special Case the Appellant shall within *Three* Days serve a Copy on the other Party to the Proceedings, and transmit by Post or otherwise the original Case to the proper Officer of the Court of Queen's Bench in Ireland.
7. The Fees to be charged in respect of the Preparation of the Special Case shall be the same Fees as are chargeable for the Preparation of a Special Case by the Act passed in the Session of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Forty-three, intituled "An "Act to improve the Administration of the Law, so far as "respects summary Proceedings before Justices of the "Peace," and herein-after referred to as "The Summary Jurisdiction Act."
8. The Commissioners may refuse to state a Case when they are of opinion that the Application is frivolous, but if they so refuse they shall, on the Request of the Appellant, give him a Certificate stating the Ground of their Refusal.
9. When a Party gives in good Faith Notice of an Appeal under this Section, but omits through Mistake to do some Act necessary to perfect the Appeal, the Appellate Court may permit an Amendment on such Terms as it thinks just.
10. After the Decision of the Court of Queen's Bench has been given on a Case stated as aforesaid, the Commissioners shall have the same Powers to enforce that Decision, when affirmed or amended, as they would have had to have enforced their original Decision if it had not been appealed from.
11. Save as herein-before varied, the Provisions of the Summary Jurisdiction Act as to the Powers of the Superior Court, as to directing a special Case to be stated, as to the enforcing of Recognizances, and as to all other Matters, shall apply to an Appeal under this Section in the same Manner as if the Words "Justice or Justices" in the said Summary Jurisdiction Act included "the Special Commissioners appointed under this Act."

12. Any Act required by this Section to be done by the Commissioners may be done by Two of them.
13. The Decision of the Court of Queen's Bench in respect of any Case brought before them under this Section shall, unless the Court otherwise directs, be final.

Transfer of Powers to new Commissioners.

12. All Powers, Rights, Privileges, and Jurisdictions vested in or exercised by the Commissioners of Public Works and the Inspecting Commissioners of Fisheries, or any of them, by any Act relating to Salmon Fisheries, with the Exception of the Powers relating to Oysters and White Sea Fish, shall be transferred to and vest in the Commissioners appointed under this Act during their Continuance in Office, and may be exercised by them for the Purpose of carrying into effect the Provisions of this Act.

Miscellaneous.

Fishing with Nets near Milldam.

13. Notwithstanding anything contained in the said Salmon Fisheries Acts, it shall not be lawful for any Person or Persons, although lawfully possessed of a Several Fishery for *Twenty* Years next before the passing of the Act of the Session of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Eighty-eight, to use any Net, Instrument, or Device for taking Fish (save and except Rods and Lines only) within *Fifty* Yards, either above or below a Milldam, unless there is attached to such Milldam a Fish-pass of such Form and Dimensions as may be approved of by the Commissioners, nor unless such Fish-pass has constantly running through it such a Flow of Water as will enable Salmon to pass up and down it.

Power to define Estuaries and Mouths of Rivers.

14. Notwithstanding anything contained in the Salmon Fisheries Acts, or any Definition of the Commissioners acting in pursuance of those Acts, the Commissioners under this Act shall mark out, by reference to Maps or otherwise, what are to be the Boundaries of Mouths of Rivers and Estuaries for the Purposes of this Act and the said Salmon Fisheries Acts, with Power where several Streams flow into a common Mouth or Estuary to declare that the Outlets of such Streams form separate Mouths or Estuaries. The Commissioners may also define the Point or Points of Mouths of Rivers or Estuaries from which Distances are to be measured under this Act and the Salmon Fisheries Acts.

Declaration as to Meaning of certain Terms.

15. It is hereby declared, That for the Purposes of the said Salmon Fisheries Acts and of this Act "Jenkin" and "Gravelling" are deemed to be "Salmon," and "Spring Tides" mean "ordinary Spring Tides."

Weekly Close Season.

16. There shall be repealed so much of the said Salmon Fisheries Acts as provides that it shall not be lawful to take or kill any Salmon or Trout between Six of the Clock on Saturday Evening and Six of the Clock on Monday Morning, or between the Low Waters next in point of Time to those Periods respectively, and the said Acts shall be construed as if it had been enacted therein that no Salmon or Trout shall be fished for or taken in any way, except by Rod and Line, between *Six* of the Clock on *Saturday Morning* and *Six* of the Clock on the succeeding *Monday Morning;* and all Penalties imposed by the said Salmon Fisheries Acts, and the Provisions made for enforcing the Prohibition contained in the said Acts, and providing for the free Passage of Salmon and Trout during the Times therein in that Behalf mentioned, shall apply accordingly, with this Addition that when any Salmon or Trout is taken at any Fishing Weir during the Weekly Close Season in contravention of this Act and the said Salmon Fisheries Acts, or when any Box, Crib, or Cruive is during the Weekly Close Season left unopened or otherwise left not in conformity with the said Acts, the Penalty in that Behalf imposed by the said Acts shall be payable in respect of each Box, Crib, or Cruive in the Weir in which any Fish is so illegally taken, or which is left as aforesaid unopened or not in conformity with the said Acts.

Additional Licence Duty on fixed Engines.

17. In addition to the Licence Duty fixed by the Schedule to the Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Ninety-two, intituled "An "Act for the Protection and Improvement of the Salmon, Trout, "and other Inland Fisheries of Ireland," all Stake Weirs, Stake Nets, Bag Nets, Fishing Weirs or other fixed Engines whatsoever, used for the taking of Salmon or Trout, shall, before the same are used for the taking of such Fish, be duly licensed and rated in the Manner following; viz., the Owner or Occupier thereof shall, in each Year, pay as an annual Rate, in Two equal half-yearly Gales, in every Year after the passing of this Act, such Sum, in addition to the Licence Duty aforesaid, as shall be equal to the Amount of the annual Sum of *Ten* Pounds per Centum upon the net Proceeds or Produce of such Engine. Such net Proceeds shall be ascertained by the Certificate of the Commissioners, or Persons succeeding them in their Duties, to be granted by them, at their Discretion, from such Information as they may from Time to Time require to be furnished by the Person using such Engine. The Commissioners, or such other Persons as aforesaid, or their Officers, may at all Times have Access to and peruse when they think fit the Books and Accounts of the Person owning or using such Engine.

Appointment

Appointment and Powers of Commissioners.

18. Her Majesty may by Warrant under the Royal Sign Manual appoint any Number of Persons not exceeding Three, of whom One shall be an Officer in the Naval Service of Her Majesty, and another a Barrister of not less than *Seven* Years Standing at the Bar, to be Commissioners under this Act during Her Majesty's Pleasure, and upon every Vacancy in the Office of any Commissioner by Death, Resignation, or Incapacity to act may appoint some other fit Person to fill the Vacancy.

Appointment of Commissioners under Sign Manual.

19. The Commissioners appointed under this Act shall be styled "The Special Commissioners for Irish Fisheries;" they shall cause to be made for their Commission such Seal or Seals as they may require; and any Summons, Order, Warrant, or other Instrument, or Copy thereof, purporting to be sealed with the Seal of the Commissioners, and to be signed as herein-after mentioned, shall be received in Evidence without any further Proof.

Commissioners to have a Common Seal.

20. No Commissioner shall during his Continuance in Office be capable of being elected or of sitting as a Member of the House of Commons.

Commissioners not to sit in Parliament.

21. All Warrants for the Removal of any illegal Net or illegal Weir shall be signed by Two at least of the Commissioners, and all Cases relating to the Removal of such Nets or Weirs shall be heard by all the Commissioners, but the Opinions of Two of them shall, in case of Difference, decide any Question; any other Acts authorized to be done by the Commissioners may be done by any One of them, and any Summons under the Seal of the Commissioners, and signed by any Person delegated by them, shall be deemed to be sufficiently executed.

Acts of the Commissioners.

22. The Commissioners of Her Majesty's Treasury may from Time to Time fix such Salaries as they may think fit for the Commissioners hereby appointed, and also appoint such additional Officers, Clerks, and Servants, at such Salaries as the said Commissioners of the Treasury may think proper and necessary, and from Time to Time dismiss such Officers, Clerks, and Servants, and appoint others in their Place.

The Treasury to fix Salaries, &c. and appoint additional Officers.

23. The Offices of the said Commissioners, and all Powers Rights, and Privileges pertaining thereto, shall continue in force for *Two* Years only, and from thenceforth until the *End of the next Session of Parliament.*

Duration of Office of Commissioners.

24. The

Powers of Commissioners.

24. The Commissioners may examine any Witnesses on Oath; and with respect to the following Matters, that is to say,

(1.) Enforcing the Attendance of Witnesses, and the Production of Deeds, Books, Papers, and Documents;

(2.) The enforcing any Order whatever made by them under any of the Powers or Authorities of this Act or the Salmon Fisheries Acts;

shall, in addition to any other Powers conferred on them by this Act, have all such Powers, Rights, and Privileges as the Judges of Her Majesty's Court of Queen's Bench in Ireland have for such or the like Purposes.

Penalty for false swearing.

25. Every Person who upon Examination before the Commissioners, or any One of them, wilfully gives false Evidence, and every Person who wilfully swears, affirms, or declares falsely in any Affidavit relating to any Matter within the Cognizance of the Commissioners, shall be liable to the Pains and Penalties of Perjury.

Proceedings before Commissioners not to be restrained by Injunction, &c.

26. The Commissioners shall not be subject to be restrained in the Execution of their Powers under this Act, nor shall any Person be restrained from making an Application under this Act to the Commissioners, by Order of any Court of Justice or by any other legal Process, nor shall the Commissioners be required by Writ of Mandamus or any Writ of a like Nature to do any Act or take any Proceeding under this Act, nor shall Proceedings before them be removable by Certiorari or other Writ of a like Nature.

Proceedings not to abate by Death, &c.

27. Proceedings before the Commissioners shall not abate or be suspended by any Death or Transmission or Change of Interest; but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Commissioners, when they see fit, to require Notices to be given to Persons becoming interested, or to make any Orders for continuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to the Commissioners appears just.

Power for Commissioners to state Case for Court of Law or direct Issue.

28. Whenever in any Proceeding under this Act there arises any Question of Law which cannot in the Opinion of the Commissioners be conveniently disposed of by them, the Commissioners may direct a Case to be stated for the Opinion of the Court of Chancery in Ireland, or any of Her Majesty's Superior Courts of Law in Ireland; the Commissioners may also name the Parties to such Case, and the Manner in which the Proceedings in relation thereto are to be brought before the Court to whom such Case is referred.

29. The Opinion of any Court to whom any Matter of Law is referred by the Commissioners shall be conclusive on all the Parties to such Case, unless the Commissioners direct an Appeal to be had, upon taking Security for Costs from the Party desiring to appeal.

Effect of Opinion of Court or Decision of Jury.

30. The Commissioners may compromise any Claims relating to Fisheries or any other Matters coming within their Cognizance, in pursuance of this Act, upon such Terms and Conditions as they think fit, with Power to allow Nets or Weirs to be continued for a limited Time, or otherwise to deal with the same as they may deem expedient.

Power of Commissioners to compromise.

31. On the Determination of the Office of the Special Commissioners, all Powers and Duties transferred to, vested in, or imposed on them by this Act shall be transferred to and vested in Two permanent Inspectors of Fisheries, to be appointed by and to be subject to the Control of the Lord Lieutenant of Ireland.

Provision on Determination of Office of Special Commissioners.

Penalties and Saving Clause.

32. All Penalties imposed by this Act shall be recovered and applied in manner in which Penalties under the said Salmon Fisheries Acts are recoverable and applicable.

Recovery of Penalties.

33. Nothing in this Act contained shall render legal or be deemed to recognize as legal, or to confer, any Title on any Person in respect of any fixed Net or Fishing Weir that is in contravention of any Act of Parliament or of the Common Law in force in Ireland.

Saving Clause.

A

BILL

To amend the Laws relating to Fisheries
in Ireland.

(Prepared and brought in by
Sir Robert Peel and Mr. Bruce.)

Ordered, by The House of Commons, *to be Printed,*
19 *May* 1863.

[Bill 137.]

Under 2 oz.

205

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Laws relating to Fisheries in Ireland.

WHEREAS it is expedient to make further Provisions for carrying into effect the Law relating to the Salmon Fisheries in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

Short Title of Act.

1. This Act may be cited for all Purposes as "The Salmon Fishery (Ireland) Act, 1863."

Application of Act.

2. This Act shall not apply to England or Scotland.

Regulations as to fixed Engines.

Prohibition of Bag Nets in certain Places.

3. After the passing of this Act, no Bag Net shall be placed or allowed to continue in any River or Estuary or in any other Waters, except in the open Sea at a Distance of more than Three Statute Miles from the Mouths of Rivers or Estuaries.

Any Bag Net placed or continued in contravention of this Section shall be deemed to be a common Nuisance, and may be taken possession of or destroyed; and any Bag Net so placed or continued, and any Salmon taken by such Bag Net, shall be forfeited, and, in addition thereto, the Owner of a Bag Net placed or continued in contravention of this Section shall, for each Day of so placing or allowing the same to be continued, incur a Penalty of not less than Five Pounds and not exceeding Twenty Pounds.

But no Person shall incur any Penalty under this Section in respect of any Bag Net if he removes the same within Fourteen Days after the passing of this Act.

Penalty on new fixed Nets.

4. No fixed Net that was not legally erected for catching Salmon or Trout on the First Day of January One thousand eight hundred and sixty-three shall be placed or used for catching Salmon or Trout in any inland or tidal Waters.

Any Net placed or used in contravention of this Section shall be deemed to be a common Nuisance, and may be taken possession of or destroyed; and any Net so placed or used, and any Salmon taken by such Net, shall be forfeited; and, in addition thereto, the Owner of a Net placed or used in contravention of this Section shall, for each Day of so placing or using the same, incur a Penalty of not less than Five Pounds and not exceeding Twenty Pounds.

Commissioners to inquire as to fixed Nets.

5. Subject to such Appeal as is herein-after mentioned, the Special Commissioners appointed under this Act, herein-after referred to as the Commissioners, shall abate and remove all fixed Nets erected or used for catching Salmon or Trout in Ireland that are in their Judgment injurious to Navigation, and shall inquire into the Legality of, and if satisfied of their Illegality remove, all such other fixed Nets erected or used as aforesaid as are in contravention of any Act of Parliament or Law in force in Ireland.

Certificate as to certain fixed Nets.

6. Where any fixed Net, other than a Bag Net prohibited by this Act, is in use at the Time of the passing of this Act, and any Person claims to have erected the same in pursuance of the Act of the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter One hundred and six, the Commissioners may, on Proof being given to their Satisfaction that such fixed Net has been erected in pursuance of the said Provisions, certify to that Effect, stating in the Certificate the Situation, Size, and Description of the Net, and the Person who has the Right to erect the same, in pursuance of such last-mentioned Provisions. A Certificate given in pursuance of this Notice shall be deemed to be an Order of the Commissioners, and to be subject to Appeal as such. If unappealed from, or as confirmed or amended on Appeal, such Certificate shall be conclusive Evidence that the Person therein named is the Person specified in the said Act as entitled to exercise the Right therein given, but it shall not render any Net legal that would be otherwise illegal by reason of its being injurious to Navigation, a common Nuisance to the public Right of fishing, or otherwise in violation of Common Law or any Act of Parliament.

Commissioners to inquire as to Fishing Weirs.

7. Subject to such Appeal as is herein-after mentioned, the Commissioners shall inquire into the Legality of all Fishing Weirs throughout Ireland, and shall remove such as are in contravention of any Act of Parliament or Law in force in Ireland, with this Qualification, that where a Fishing Weir is illegal only by reason of its not having a Free Gap, as required by Law, this Section shall not empower the Commissioners to remove such Fishing Weir, if an Undertaking be entered into to the Satisfaction of the Commissioners, by the Owner or other Person interested in such Weir, to make a legal free Gap therein within a Time to be prescribed by the Commissioners, and a free Gap is made accordingly.

CLAUSE A.
Persons unlawfully erecting or keeping up any Weir upon a River after Notice forfeit 50*l.*, with Costs of Suit.
If continued for Seven Days after Judgment, any Person may prostrate it.
See 26 G. c. 50 (I.) ss. 8, 9.

8. If any Person has unlawfully erected or kept up, or shall unlawfully erect or keep up, any Weir upon any River, and a Notice shall be served in Writing upon the Proprietor or Occupier of such Weir, or his known Agent, by the Owner or Occupier of any Grounds on the Banks of such River on which such Weir has been or shall be erected, requiring him to prostrate or open the same within the Space of Thirty Days from the Service of such Notice, if such Proprietor or Occupier of such Weir shall not within that Time abate or prosecute the same, he shall forfeit a Sum of Fifty Pounds, together with Costs of Suit, to be recovered by Action of Debt in any of Her Majesty's Courts of Record, one Moiety thereof to be to the Use of the Person who shall sue for the same, and the other to the Use of the Conservators of the District in which such Weir has been or shall be unlawfully erected or kept up; and the said Court shall adjudge such Weir to be abated at the Expense of the Defendant in such Action: Provided always, that no such Action under this Section shall be brought in any Case in which the Proprietor or Occupier of such Weir shall have obtained the Certificate of the Commissioners, in pursuance of the Provisions of this Act.

CLAUSE B.
Construction of Free Gaps.
24 & 25 Vict. c. 109. s. 27.

9. Where any Fishing Weir extends more than Halfway across any Stream at its lowest State of Water, it shall have a Free Gap or

Opening in accordance with the Regulations following, under the Powers of this Act; (that is to say,)

(1.) The Free Gap shall be situate in the deepest Part of the Stream between the Points where it is intercepted by the Weir:

(2.) The Sides of the Gap shall be in a Line with and parallel to the Direction of the Stream at the Weir:

(3.) The Bottom of the Gap shall be Level with the natural Bed of the Stream above and below the Gap:

(4.) The Width of the Gap in its narrowest Part shall be not less than One Tenth Part of the Width of the Stream: Provided always, that such Gap shall not be required to be wider than Fifty Feet, and shall not in any Case be narrower than Three Feet; and provided also, that no existing Gap in any Weir shall be reduced in Width, or a Gap of less Width substituted in lieu thereof, or any Alteration made therein so as to reduce the Flow of Water through such Gap:

Provided always, that no Person shall be entitled to any Compensation by reason of the enforcing of any Free Gap in any Weir, anything to the contrary in any Act notwithstanding.

CLAUSE C. Construction of Boxes and Cribs in Fishing Weirs and Fishing Milldams, 5 & 6 Vict. c. 109. s. 29. 24 & 25 Vict. c. 109. s. 29.

10. That the following Rules shall be observed in relation to the Construction of Boxes and Cribs in Fishing Weirs and Fishing Milldams; (that is to say,)

(1.) The upper Surface of the Sill shall be level with the Bed of the River:

(2.) The Bars or Inscales of the Heck or upstream Side of the Box or Crib shall not be nearer each other than Two Inches, and shall be capable of being removed, and shall be placed perpendicularly: The Boxes, Cribs, or Cruives shall not be built over, or in any other Manner hidden from public Inspection:

And the Owner of any Fishing Weir or Fishing Milldam that has attached thereto any Box or Crib in contravention of this Act shall bring the same into conformity with this Act within Six Months after the Commencement of this Act; and he shall incur a Penalty not less than Five Pounds and not exceeding Twenty Pounds for every Day after the Expiration of such Period of Six Months during which he fails to comply with the Provisions of this Section; and any Owner failing so to maintain the same shall incur a Penalty not less than One Pound and not exceeding Five Pounds for every Day during which such Failure continues.

CLAUSE D. Extension of Weekly Close Time in place of Free Gap.

11. That in any Case where the Breadth of the River where any Chartered or Patent Fishery now exists shall not exceed Forty Feet, and it might be inexpedient to require a Free Gap to be made therein, the Commissioners may, if they think fit, instead thereof, direct by their Order the Extension of the Weekly Close Time for a Period of Twenty-four Hours.

CLAUSE E. Enforcing Free Gaps in Fishing Weirs. 24 & 25 Vict. c. 109. s. 21.

12. That the following Rules shall be observed for the Purpose of enforcing efficient Free Gaps in Fishing Weirs; (that is to say,)

(1.) Where a Weir is without a legal Free Gap at the Time of the Commencement of this Act, the Owner of such Weir shall within Twelve Months after the Commencement of this Act make such a Gap, and if he does not he shall incur a Penalty not less than Five Pounds and not exceeding Fifty Pounds for every Day after the Expiration of such Period of Twelve Months during which he does not make such Gap:

(2.) Where a Free Gap has been made in a Weir, but the same is not maintained in accordance with this Act, the Owner of such Weir shall incur a Penalty not exceeding Five Pounds a Day for each Day he is in default:

(3.) No Alteration shall be made in the Bed of any River in such Manner as to reduce the Flow of Water through a Free Gap: If it is, the Person making the same shall incur a Penalty not less than Five Pounds and not exceeding Fifty Pounds, and a further Penalty of One Pound a Day until he restores the Bed of the River to its original State:

(4.) No Person shall place any Obstruction, use any Contrivance, or do any Act whereby Fish may be scared, deterred, or in any way prevented from freely entering and passing up and down a Free Gap at all Periods of the Year, or shall use any Nets or other Engines within Fifty Yards above or below any Free Gap; and any Person placing any Obstruction, using any Contrivance, Net, or Engine, or doing any Act in contravention of the Regulation lastly herein-before contained, shall incur a Penalty not less than Five Pounds and not exceeding Twenty Pounds for the First Offence, and not less than Ten Pounds and not exceeding Fifty Pounds for each subsequent Offence.

Proceedings for Abatement of illegal Nets and Weirs.

13. Before removing any illegal fixed Net or illegal Fishing Wer, the Commissioners shall take the same Proceedings as to summoning the Parties interested in such Net or Weir, and as to hearing such Parties, and any Evidence they may produce, as the Commissioners under the Salmon Fisheries Acts are thereby required to take where any Parties complain of the erecting, maintaining, or using any fixed Engine; and a Summons issued by the Commissioners shall, in respect of the Proceedings to be taken by the Commissioners, be deemed to be equivalent to a Complaint made under the said Section.

Appeal from Decision of Special Commissioners.

14. If any Person feels aggrieved with any Decision of the Commissioners (and for the Purposes of an Appeal a Dismissal of a Complaint shall be deemed to be a Decision), the Person aggrieved may appeal as follows, and not in manner provided by the Salmon Fisheries Acts; that is to say,

1. The Appeal shall be to the Court of Queen's Bench in Ireland.
2. The Appeal shall be by Special Case stating the Facts and the Grounds for the Decision.
3. The Special Case shall be settled by the Commissioners upon the Application of the Appellant to be made in Writing within Seven Days after the Delivery of the Decision, and not afterwards.
4. The Application for a Case shall not be entertained by the Commissioners unless the Appellant at the Time of making the same enter into a Recognizance before the said Commissioners or a Justice of the Peace, with or without Sureties, and in such Sum as the Commissioners or the Justice think fit, conditioned to prosecute without Delay the Appeal, and to submit to the Judgment of the Court of Queen's Bench, and to pay such Costs as may be awarded.
5. The Special Case shall be signed by the Commissioners, and shall be delivered to the Appellant by the Commissioners on Payment by him of such Fees as are herein-after mentioned.
6. On the Receipt of the Special Case the Appellant shall within Three Days serve a Copy on the other Party to the Proceedings, and transmit by Post or otherwise the original Case to the proper Officer of the Court of Queen's Bench in Ireland.
7. The Fees to be charged in respect of the Preparation of the Special Case shall be the same Fees as are chargeable for the Preparation of a Special Case by the Act passed in the Session of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Forty-three, intituled "An "Act to improve the Administration of the Law, so far as "respects summary Proceedings before Justices of the "Peace," and herein-after referred to as "The Summary Jurisdiction Act."

8. The Commissioners may refuse to state a Case when they are of opinion that the Application is frivolous, but if they so refuse they shall, on the Request of the Appellant, give him a Certificate stating the Ground of their Refusal.

9. When a Party gives in good Faith Notice of an Appeal under this Section, but omits through Mistake to do some Act necessary to perfect the Appeal, the Appellate Court may permit an Amendment on such Terms as it thinks just.

10. After the Decision of the Court of Queen's Bench has been given on a Case stated as aforesaid, the Commissioners shall have the same Powers to enforce that Decision, when affirmed or amended, as they would have had to have enforced their original Decision if it had not been appealed from.

11. Save as herein-before varied, the Provisions of the Summary Jurisdiction Act as to the Powers of the Superior Court, as to directing a Special Case to be stated, as to the enforcing of Recognizances, and as to all other Matters, shall apply to an Appeal under this Section in the same Manner as if the Words "Justice or Justices" in the said Summary Jurisdiction Act included "the Special Commissioners appointed under this Act."

12. Any Act required by this Section to be done by the Commissioners may be done by Two of them, of whom the Barrister herein-after mentioned shall be One.

13. The Decision of the Court of Queen's Bench in respect of any Case brought before them under this Section shall, unless the Court otherwise directs, be final.

Transfer of Powers to new Commissioners.

15. All Powers, Rights, Privileges, and Jurisdictions vested in or exercised by the Commissioners of Public Works and the Inspecting Commissioners of Fisheries, or any of them, by any Act relating to Salmon Fisheries, with the Exception of the Powers relating to Oysters and White Sea Fish, shall be transferred to and vest in the Commissioners appointed under this Act during their Continuance in Office, and may be exercised by them for the Purpose of carrying into effect the Provisions of this Act.

Miscellaneous.

Fishing with Nets near Milldam.

16. Notwithstanding anything contained in the said Salmon Fisheries Acts, it shall not be lawful for any Person or Persons, although lawfully possessed of a Several Fishery for Twenty Years next before the passing of the Act of the Session of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Eighty-eight, to use any Box, Cribb, Cruive, Net, Instrument, or Device for taking Fish (save and except Rods and Lines only) at or within Fifty Yards, either above or below a Milldam, unless there is attached to such Milldam a Fish-pass of such Form and Dimensions as may be approved of by the Commissioners, nor unless such Fish-pass has constantly running through it such a Flow of Water as will enable Salmon to pass up and down it; any Person offending against this Clause shall for each Offence incur a Penalty of not less than Five Pounds and not exceeding Twenty Pounds, recoverable by any One who will sue for the same.

Power to define Estuaries and Mouths of Rivers.

17. Notwithstanding anything contained in the Salmon Fisheries Acts, or any Definition of the Commissioners acting in pursuance of those Acts, the Commissioners under this Act shall mark out, by Reference to Maps or otherwise, what are to be the Boundaries of Mouths of Rivers and Estuaries for the Purposes of this Act and the said Salmon Fisheries Acts, with Power where several Streams flow into a common Mouth or Estuary to declare that the Outlets of such Streams form separate Mouths or Estuaries. The Commissioners may also define the Point or Points of Mouths of Rivers or Estuaries from which Distances are to be measured under this Act and the Salmon Fisheries Acts.

Declaration as to Meaning of certain Terms.

18. It is hereby declared, That for the Purposes of the said Salmon Fisheries Acts and of this Act "Jenkin" and "Gravelling" are deemed to be "Salmon," and "Spring Tides" mean "ordinary Spring Tides."

Weekly Close Season.

19. There shall be repealed so much of the said Salmon Fisheries Acts as provides that it shall not be lawful to take or kill any Salmon or Trout between Six of the Clock on Saturday Evening and Six of the Clock on Monday Morning, or between the Low Waters next in point of Time to those Periods respectively, and the said Acts shall be construed as if it had been enacted therein that no Salmon or Trout shall be fished for or taken in any way, except by Single Rod and Line, between Six of the Clock on Saturday Morning and Six of the Clock on the succeeding Monday Morning: and all Penalties imposed by the said Salmon Fisheries Acts, and the Provisions made for enforcing the Prohibition contained in the said Acts, and providing for the free Passage of Salmon and Trout during the Times therein in that Behalf mentioned, shall apply accordingly, with this Addition, that any Net or other Instrument, or the Inscales or Gates and Rails of any Cribb, Box, or Cruive used between the Times aforesaid shall be forfeited, and also that when any Salmon or Trout is taken at any Fishing Weir during the Weekly Close Season in contravention of this Act and the said Salmon Fisheries Acts, or when any Box, Crib, or Cruive is during the Weekly Close Season left unopened or otherwise left not in conformity with the said Acts, the Penalty in that Behalf imposed by the said Acts shall be payable in respect of each Box, Crib, or Cruive in the Weir in which any Fish is so illegally taken, or which is left as aforesaid unopened or not in conformity with the said Acts.

Clause F.
Weekly Close Time for Stake Nets, &c.

20. In addition to the Weekly Close Time provided by Clause Sixteen of this Act, the Weekly Close Season for all Stake Nets, Fly Nets, and Bag Nets shall commence at Six of the Clock on Friday Morning and continue until Six of the Clock on the following Monday Morning.

Clause G.
Alteration of Annual Close Time.

21. There shall be repealed so much of the Thirty-third Section of the Act of the Session of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter One hundred and six, as provides that the Annual Close Season, or Period during which it shall not be lawful to take Salmon, shall not comprise fewer than One hundred and twenty-four Days in each Year; and in lieu thereof be it enacted, That such Annual Close Season or Period during which it shall not be lawful to take Salmon shall not comprise fewer than One hundred and sixty-eight Days in each Year; and until an Alteration is made by the Commissioners in pursuance of the Powers given to them by the Salmon Fisheries Acts and this Act, there shall be added at the End of the Close Time now established for each Fishery such Number of Days, if any, as may be required to make the Number of Close Days constituting the Annual Close Time in that Fishery amount to One hundred and sixty-eight Days.

Clause H.
Exception of Salmon or Trout caught or kept for certain Purposes.

22. Nothing in this Act contained shall apply to any Person who shall catch or attempt to catch, or shall have in his Possession, any Salmon or Trout for the Purposes of artificial Propagation or other scientific Purposes; and nothing in this Act contained shall prejudice the legal Right of any Owner to take Materials from any Stream.

Clause I.
Season for angling with single Rod and Line.

23. Nothing in this Act shall be construed to affect angling with single Rod and Line, the Close Season for which shall be from the First Day of November in each Year to the First Day of February in the Year following.

Clause J.
Scaring or obstructing the free Passage of Salmon or Trout during Weekly CloseSeason.

24. No Person shall in any Manner whatever scare, impede, or obstruct the free Passage of Salmon or Trout during the Weekly Close Season; and any Person acting in contravention of this Section shall forfeit any Fish taken by him, and any Net or Instrument used by him, and in addition thereto shall incur a Penalty not less than Two Pounds and not exceeding Ten Pounds; but this Section shall not apply to any Person who takes Fish legally by the single Rod and Line during the Weekly Close Season.

Clause K. Additional Licence Duties on fixed Engines.

25. The Salmon Fisheries Acts shall be construed as if in the Schedule annexed to the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Ninety-two, there had been inserted instead of the Duties therein mentioned the Duties following; (that is to say,)

	£
Bag Nets - - - - - -	10
Stake Nets, Fly Nets, or Stake Weirs (Scotch) -	30
Head Weirs - - - - - -	6
For every Box, Crib, Cruive, or Drum Net in any Weir for taking Salmon or Trout - - -	10

Clause L. Magistrates paying Duty to be ex officio Members of Board.

26. Magistrates paying Licence Duty, and being Owners of Land abutting on Rivers or Lakes in any District, may act and vote as ex-officio Members of any Board of Conservators elected for any such District.

Clause M. New Elections of Conservators.

27. On the First Monday in the Month of October in the Year One thousand eight hundred and sixty-four all existing Boards of Conservators shall cease, and new Boards shall be elected.

Clause N. Hydraulic Machines.

28. Where a Turbine or similar Hydraulic Machine, which may be injurious to the Young of Salmon in their Descent to the Sea, is supplied from a River frequented by Salmon, the Person owning or using such Machine shall, during the Time in which such Descent to the Sea takes place, provide Grating or other efficient Means to prevent such Young of Salmon from passing into such Machine, and in case such Means be not provided such Person shall forfeit a Sum not exceeding Fifty Pounds, and also a Sum not exceeding Five Pounds for each Day during which such Injury to the Fry continues.

Appointment and Powers of Commissioners.

Appointment of Commissioners under Sign Manual.

29. Her Majesty may by Warrant under the Royal Sign Manual appoint any Number of Persons not exceeding Three, of whom One shall be an Officer in the Naval Service of Her Majesty, and another a Barrister of not less than Seven Years standing at the Bar, to be Commissioners under this Act during Her Majesty's Pleasure, and upon every Vacancy in the Office of any Commissioner by Death, Resignation, or Incapacity to act may appoint some other fit Person to fill the Vacancy: Provided always, that in the Case of a Vacancy by the Death, Resignation, or Incapacity of any Commissioner being such Officer or Barrister, the Person so to be appointed shall be of the same Profession as the Officer or Barrister in whose Place he shall be appointed.

Commissioners to have a Common Seal.

30. The Commissioners appointed under this Act shall be styled "The Special Commissioners for Irish Fisheries;" they shall cause to be made for their Commission such Seal or Seals as they may require; and any Summons, Order, Warrant, or other Instrument, or Copy thereof, purporting to be sealed with the Seal of the Commissioners, and to be signed as herein-after mentioned, shall be received in Evidence without any further Proof.

Commissioners not to sit in Parliament.

31. No Commissioner shall during his Continuance in Office be capable of being elected or of sitting as a Member of the House of Commons.

Acts of the Commissioners.

32. All Warrants for the Removal of any illegal Net or illegal Weir shall be signed by Two at least of the Commissioners, and all Cases relating to the Removal of such Nets or Weirs shall be heard by all the Commissioners, but the Opinions of Two of them shall, in case of Difference, decide any Question; any other Acts authorized to be done by the Commissioners may be done by any One of them, and any Summons under the Seal of the Commissioners, and signed by any Person delegated by them, shall be deemed to be sufficiently executed.

The Treasury to fix Salaries, &c. and appoint additional Officers.

33. The Commissioners of Her Majesty's Treasury may from Time to Time fix such Salaries as they may think fit for the Commissioners hereby appointed, and also appoint such additional Officers, Clerks, and Servants, at such Salaries as the said Commissioners of the Treasury may think proper and necessary, and from Time to Time dismiss such Officers, Clerks, and Servants, and appoint others in their Place.

Duration of Office of Commissioners.

34. The Offices of the said Commissioners, and all Powers Rights, and Privileges pertaining thereto, shall continue in force for Two Years only, and from thenceforth until the End of the next Session of Parliament.

Powers of Commissioners.

35. The Commissioners may examine any Witnesses on Oath; and with respect to the following Matters, that is to say,

(1.) Enforcing the Attendance of Witnesses, and the Production of Deeds, Books, Papers, and Documents;

(2.) The enforcing any Order whatever made by them under any of the Powers or Authorities of this Act or the Salmon Fisheries Acts, shall, in addition to any other Powers conferred on them by this Act, have all such Powers, Rights, and Privileges as the Judges of Her Majesty's Court of Queen's Bench in Ireland have for such or the like Purposes.

Penalty for false swearing.

36. Every Person who upon Examination before the Commissioners, or any One of them, wilfully gives false Evidence, and every Person who wilfully swears, affirms, or declares falsely in any Affidavit relating to any Matter within the Cognizance of the Commissioners, shall be liable to the Pains and Penalties of Perjury.

Proceedings before Commissioners not to be restrained by Injunction, &c.

37. The Commissioners shall not be subject to be restrained in the Execution of their Powers under this Act, nor shall any Person be restrained from making an Application under this Act to the Commissioners, by Order of any Court of Justice or by any other legal Process, nor shall the Commissioners be required by Writ of Mandamus or any Writ of a like Nature to do any Act or take any Proceeding under this Act, nor shall Proceedings before them be removable by Certiorari or other Writ of a like Nature.

Proceedings not to abate by Death, &c.

38. Proceedings before the Commissioners shall not abate or be suspended by any Death or Transmission or Change of Interest; but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Commissioners, when they see fit, to require Notices to be given to Persons becoming interested, or to make any Orders for continuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to the Commissioners appears just.

Provision on Determination of Office of Special Commissioners.

39. On the Determination of the Office of the Special Commissioners, all Powers and Duties transferred to, vested in, or imposed on them by this Act shall be transferred to and vested in Two permanent Inspectors of Fisheries, to be appointed by and to be subject to the Control of the Lord Lieutenant of Ireland.

Penalties, Saving Clause, &c.

Clause O.
Courts may award Costs.
13 & 14 Vict. c. 88.

40. It shall be lawful for the Court before which any Indictment or Information for any Offence against this Act, or for any Nuisance in Tidal or Inland Waters, shall have been preferred, heard, or tried and determined, to order that the Costs, Charges, and Expenses of and incident to such Indictment or Information, and the Proceedings therein, and the preferring, Hearing, or Trial and Determination thereof, shall follow the Event of the same respectively, and be borne and paid by the Party against whom the same shall have been determined, and that such Costs, Charges, and Expenses shall be estimated, either as between Party and Party or as between Attorney and Client, at the Discretion of such Court.

CLAUSE P.
Construction of Act.

41. This Act so far as is consistent with the Tenor thereof, shall be construed with the Acts relating to Salmon Fisheries in Ireland, and herein referred to as "The Salmon Fisheries Acts," and the Definitions of Words and Expressions now in force in the said Salmon Fisheries Acts shall apply to the same Words and Expressions when used in this Act, but so as to include "a Head Weir" under the Expression "fixed Net."

Recovery of Penalties.

42. All Penalties imposed by this Act shall be recovered and applied in manner in which Penalties under the said Salmon Fisheries Acts are recoverable and applicable.

Saving Clause.

43. Nothing in this Act contained shall render legal or be deemed to recognize as legal, or to confer, any Title on any Person in respect of any fixed Net or Fishing Weir that is in contravention of any Act of Parliament or of the Common Law in force in Ireland.

Fisheries (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Laws relating to Fisheries in Ireland.

(Prepared and brought in by
Sir Robert Peel and Mr. Bruce.)

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1863.

[Bill 214.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

FISHERIES (IRELAND) BILL.

Note.—*The Page and Line refer to the Bill* (211.) *as printed by the Lords.*

Page 1.

Line 14. After (" River or ") insert (" the ")

Line 14. After (" Estuary ") insert (" of any River, as such " River or Estuary has been defined by the Commissioners of Fish- " eries or shall be defined by the Commissioners under this Act ")

Lines 14 and 15. Leave out (" in any other Waters, except in the " open Sea at ") and insert (" within ")

Line 15. Leave out (" more ") and insert (" less ")

Line 16. Leave out (" Mouths of Rivers or Estuaries ") and insert (" Mouth of any River as defined as aforesaid ")

Page 2.

Line 11. After (" Act ") add—

(" Provided always, that no Bag Net now legally existing shall be " liable to be abated or removed, or be deemed illegal under this Act, " by reason of its being within Three Miles of the Mouth of a River " in the whole of which, including all tributary Rivers and Lakes " upon its Course, the Proprietor of such Bag Net has the exclusive " Right of catching Salmon ")

Page 3.

Line 30. Leave out (" prosecute ") and insert (" prostrate ")

Line 40. Leave out (" Where any ") and insert (" In every "), and leave out from (" Weir ") to (" a ") in Line 41 and insert (" there shall be ")

Page 4.

Line 4. Leave out from (" Stream ") to (" The ") in Line 6

Page 8.

Line 13. After (" Estuaries ") insert (" and the Boundaries be-
" tween the Tidal and Fresh-water Portions of
" every River ")

Line 19. After (" Acts ") insert Clause A.

Clause A. If it be proved to the Satisfaction of the Justices that any Boat, Cot, or Curragh found on or near Waters frequented by Salmon or Trout has been used for the Capture of Salmon or Trout during any Part of the Annual or Weekly Close Time, the Person or Persons who shall be proved to have used such Boat, Cot, or Curragh for the Capture of Salmon or Trout during the Annual or Weekly Close Time shall for the First Offence be subject to a Penalty not exceeding Five Pounds, and for the Second or any subsequent Offence, in addition to the foregoing Penalty, the Boat, Cot, or Curragh so used may be seized and forfeited; but this Section, so far as relates to the Forfeiture of the Boat, Cot, or Curragh, shall not come into operation where a Boat is used by some Person other than the Owner thereof, and the Owner proves to the Satisfaction of the Justices that it was so used without his Knowledge or Consent.

Page 9.

Leave out Clause 20.

Line 34. After (" following ") insert Clause B.

Clause B. From and after the passing of this Act, it shall not be lawful for any Person to use any Net, except a Landing Net, for the Capture of Salmon or Trout in the Fresh-water Portion of any River, as defined by the Commissioners under this Act, between the Hours of Eight o'Clock in the Evening and Six o'Clock in the Morning, except so far as the same may have heretofore been used within the Limits of a Several Fishery next above the tidal Flow, and held under Grant or Charter, or by immemorial Usage; and every Person offending against the Provisions of this Section shall be subject to a Penalty not exceeding Ten Pounds, and to the Forfeiture of all Boats, Nets, and Gear used in such illegal Fishing.

Page 10.

Line 5. After (" Ninety-two ") insert (" so far as relates to
fixed Engines ")

Line 32. After (" such ") insert (" Salmon or ")

Line 35. After (" continues ") insert Clause C.

Clause C. All Salmon Passes and Fish Ladders shall be at all Times open to the Inspection of the Commissioners and the Conservators of the District, and of any Person duly authorized by them or any of them.

Page 13.

Line 29. At the End of the Bill insert Clause D.

Clause D.—Provided always, That nothing herein-before contained shall prevent any Person having any fixed Engine now in use, and in respect of which Licence Duty has been paid, from being allowed to continue to use the same during the Remainder of the present Season.

LORDS AMENDMENTS

TO THE

FISHERIES (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1863.

[Bill 267.]

Under 1 *oz.*

Fortifications (Provisions for Expenses).

ARRANGEMENT OF CLAUSES.

The Sum of 650,000*l.* to be issued out of the Consolidated Fund towards the Expenses after mentioned; Sect. 1.
Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal; 2.
Treasury to raise 650,000*l.* by creating Annuities for a Term not exceeding Thirty Years; 3.
Treasury to fix the Term and Amount of Annuity to be granted to Contributors for every 100*l.* and Terms of Payment of Subscriptions; 4.
Power to Guardians, &c. to subscribe for Infants; 5.
Time at which Annuities may be transferred; 6.
Contributors may anticipate Payments; 7.
Annuities payable, &c. at the Bank; 8.
Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, and shall be charged upon the said Fund; 9.
Bank of England to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities; 10.
Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer; 11.
The Money paid into the Exchequer to form Part of the Consolidated Fund; 12.
A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer; 13.
Subscriptions paid in part, and not completed, forfeited; 14.
Annuities to be deemed Personal Estate; 15.
Accountant General to keep Books for entering Transfers; Transfers not liable to Stamp Duties; 16.
Power to Treasury to add Annuities created under this Act to Stock of existing Terminable Annuities of like Duration; 17.
Allowance to Bank of England for the Expense of Management; 18.
Fortifications, &c. to be executed under the Direction of the Secretary of State for War; 19.
Accounts to be laid before Parliament; 20.
Persons counterfeiting Receipts for Contributions, &c. guilty of Felony; 21.
Bank to continue a Corporation till the Annuities hereby granted cease; 22.
SCHEDULE.

A

BILL

FOR

Providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, having further considered the State, Condition, and Sufficiency of the Fortifications existing for the Defence of the United Kingdom, and being desirous to provide forthwith for the Construction of certain Works for the Defence of Your Royal Arsenals and Dockyards and the Ports of Dover and Portland, and for the Creation of a Central Arsenal, have cheerfully granted to Your Majesty the further Sum of *Six hundred and fifty thousand Pounds*, to be paid out of the Consolidated Fund, towards defraying the Expenses incurred or to be incurred for those Purposes, and we have resolved that a Sum not exceeding the said Sum of *Six hundred and fifty thousand Pounds* be raised by such Terminable Annuities as herein-after mentioned, and we do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Sum of 650,000*l.* to be issued out of the Consolidated Fund towards the Expenses after mentioned.

1. Towards defraying the Expenses herein-after mentioned any Sum or Sums, not exceeding in the whole the Sum of *Six hundred and fifty thousand Pounds,* shall be issued and applied out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing Produce thereof, and it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to issue and apply the same accordingly.

Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal.

2. Such Sum or Sums as may be issued out of the Consolidated Fund or the growing Produce thereof, as aforesaid, shall be applied as mentioned in the Schedule to this Act, towards defraying the Expenses incurred or to be incurred in constructing the aforesaid Fortifications and Works for the Defence of the Royal Arsenals and Dockyards of the United Kingdom (including the Naval Establishment at Haulbowline), and the Fortifications at Dover and Portland, and in providing a Central Arsenal, and in purchasing the Land and Rights in Land that may be required for the Purposes of such Fortifications, Works, and Arsenal; and the Commissioners of Her Majesty's Treasury shall from Time to Time apply such Sum or Sums accordingly: Provided always, that it shall not be lawful to apply any of such Sums to any Work not specifically named in the Schedule, nor to apply to any Work any greater Sum than that which is set down in the Schedule as the total estimated Cost of the Work.

Treasury to raise 650,000*l.* by creating Annuities for a Term not exceeding Thirty Years.

3. To provide for the Issues to be made out of the Consolidated Fund or the growing Produce thereof, and to repay to the Consolidated Fund the Amount which may have been previously so issued under this Act, or for either of those Purposes, it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time or from Time to Time, after the passing of this Act, to raise any Sum or Sums not exceeding in the whole the Sum of *Six hundred and fifty thousand Pounds,* as herein-after mentioned; and for raising all or any Portions which may be so raised from Time to Time of the said Sum of *Six hundred and fifty thousand Pounds,* it shall be lawful for the Commissioners of the Treasury to cause to be created, and vested in the Contributors to the said Sum or to the respective Portions thereof, Annuities for such Term not exceeding the Term of *Thirty* Years as the Commissioners of the Treasury may think fit to fix in the Contract with such Contributors, and to be payable half-yearly by equal Payments on the *Fifth Day of April* and the *Tenth Day of October.*

Treasury to fix the Term and Amount of Annuity to be granted to Contributors for every 100*l.* and Terms of Payment of Subscriptions.

4. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to contract, in such Manner and under such Regulations as they may deem advisable, with any Person or Persons, Body or Bodies Politic or Corporate, who may be willing to advance the whole or any Part of the said Sum of *Six hundred and fifty thousand Pounds,* or of the Portion thereof which the said Commissioners may at any Time think it requisite to raise, and to appoint and fix the Amount and Times of Payment of Deposits and Instalments of or in respect of the Sums contracted to be advanced, and to declare and fix the Term and the Amount of Annuity to be created under this Act to which the several Persons and Corporations advancing such Sums (who are herein referred to as the Contributors), their respective Executors or Administrators, Successors or Assigns, shall be entitled in respect of each One hundred Pounds contributed and paid, and to appoint on which of the half-yearly Days herein-before mentioned the First Half Year's Payment of Annuity shall become due, and the Time or Times at which the said Annuities or proportional Amounts thereof shall be placed in the Books of the Bank of England to the Credit of the respective Contributors, their Executors, Administrators, Successors, and Assigns, and to fix the Time during which Receipts for such Deposits or Instalments as aforesaid shall be assignable; and the several Contributors, their Executors, Administrators, Successors, or Assigns, shall be entitled for every One hundred Pounds by them respectively advanced and paid to an Annuity for such Term and of such Amount as shall be so fixed by the Commissioners of the Treasury, to be payable during the Term so fixed by half-yearly Payments as aforesaid, the first half-yearly Payment to be due as the said Commissioners may have appointed as aforesaid.

Power to Guardians, &c. to subscribe for Infants.

5. It shall and may be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing any Part of any Sum to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee, as to the said Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Time at which Annuities may be transferred.

6. All Deposits, Instalments, and Sums to be paid by the Contributors, their Executors or Administrators, Successors or Assigns, in respect of any Portion of the said Sum of *Six hundred and fifty thousand Pounds*, shall be paid to the Cashier or Cashiers of the Governor and Company of the Bank of England; and as soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the required Deposit, have made due Payment of any subsequent Instalment payable by them respectively on the Days appointed by the said Commissioners of the Treasury towards a Sum raised under this Act, such Contributors may have a proportional Amount of the Annuities to which they may be entitled in respect of such Instalment forthwith placed in the Books of the Bank of England to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns, and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Annuities placed to their respective Credits corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate whatsoever, in the Books of the Bank of England (in such Manner as is herein-after directed); and the said Governor and Company of the Bank of England are hereby required, as soon as conveniently may be after Notice from the Commissioners of the Treasury for the Purpose, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Annuities to which they will be entitled under this Act.

Contributors may anticipate Payments.

7. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof, in anticipation of the Instalments appointed by the Commissioners of the Treasury, or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

Annuities payable, &c. at the Bank.

8. All the Annuities created under this Act shall be payable and paid and be transferable at the Bank of England.

9. So

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, and shall be charged upon the said Fund.

9. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the said Cashier or Cashiers of the Governor and Company of the Bank of England, as shall be sufficient to satisfy and pay the said Annuities to be created under the Act, together with the Charges attending the same, and all the said Annuities shall be charged and chargeable upon and are hereby charged upon and made payable out of the said Consolidated Fund.

Bank of England to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

10. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of England and their Successors shall from Time to Time, until all the said Annuities shall have expired, appoint and employ One or more sufficient Person or Persons within their Office in the City of London to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Money by this Act to be set apart for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and the Charges attending the same shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said Chief or First Cashier or Cashiers of the said Governor and Company of the Bank of England, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer.

11. The Cashier or Cashiers of the Governor and Company of the Bank of England who shall receive any Deposits or Instalments from Contributors in respect of any Portion of the said Sum of *Six hundred and fifty thousand Pounds* shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also Warrants for the proportional Amounts of Annuity to be created in respect of the Instalments intermediate between the Deposit and the last Instalment on the Payment of those Instalments respectively; and the Receipts and Warrants so to be given shall be assignable and transferable by Delivery thereof during such Time as shall have been fixed by the Commissioners of Her Majesty's Treasury, and no longer; and such Cashier or Cashiers shall give Security to the Satisfaction of the Commissioners of Her Majesty's Treasury for duly answering and paying into the Receipt of the Exchequer as after mentioned all the Monies which he or they shall hereafter receive from Time to Time of and for any Portion of the said Sum of *Six hundred and fifty thousand Pounds*, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Monies as soon as he or they shall receive the same or any Part thereof, or within *Five* Days afterwards at the furthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

The Money paid into the Exchequer to form Part of the Consolidated Fund.

12. All such Sums of Money as shall be from Time to Time paid into the Receipt of Her Majesty's Exchequer in respect of the said Sum of *Six hundred and fifty thousand Pounds*, or any Portion thereof, raised by Annuities as aforesaid, shall be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer.

13. In the Office of the Accountant General of the Governor and Company of the Bank of England for the Time being a Book or Books shall be provided and kept, in which the Names of the Contributors to any Portion of the said Sum of *Six hundred and fifty thousand Pounds*, which may be raised under this Act, shall be fairly entered; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect without any Fee or Charge; and the said Accountant General shall, at such Time or Times as may be directed by the Commissioners of the Treasury, transmit an attested Duplicate fairly written on Paper of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

Subscriptions paid in part, and not completed, forfeited.

14. In case any such Contributors to any Portion of the Sum of *Six hundred and fifty thousand Pounds* which may be raised under this Act, after having paid to the said Cashier or Cashiers any Sum or Sums of Money as a Deposit, at the Time and in the Manner appointed by the Commissioners of the Treasury, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner which shall have been appointed by the Commissioners of the Treasury, then and in every such Case such Deposit shall be forfeited for the Benefit of the Public, and all Right and Title to the said Deposit, and to the Annuity in respect thereof, shall be extinguished.

Annuities to be deemed Personal Estate.

15. All Persons and Corporations who shall be entitled to any of the Annuities which may be created under this Act, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of London or otherwise.

Accountant General to keep Books for entering Transfers.

Transfers not liable to Stamp Duties.

16. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof, and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Power to Treasury to add Annuities created under this Act to Stock of existing Terminable Annuities of like Duration.

7. Provided, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they think it expedient so to do, for raising all or any Portion of the said Sum of *Six hundred and fifty thousand Pounds*, to contract and provide that all or any of the Terminable Annuities to be created under the Provisions of this Act in respect of such Sum or Portion as aforesaid shall be consolidated with and deemed Part of the Joint Stock of the Terminable Annuities created by the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighteen, or of the Joint Stock of any Terminable Annuities transferable at the Bank of England and charged on the Consolidated Fund by the Authority of Parliament, for the same Term for the Time being unexpired, and payable on the same half-yearly Days as the Annuities which they may contract to create, and in every such Case the Annuities to be created under this Act shall be added to and form Part of the Joint Stock of the previously existing Annuities accordingly.

Allowance to Bank of England for the Expense of Management.

18. *It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of England of the Sum of Six hundred Pounds for the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.*

Fortifications, &c. to be executed under the Direction of the Secretary of State for War.

19. The Fortifications, Works, and Central Arsenal, the Expenses of constructing and providing which are to be defrayed under this Act, shall be constructed and provided respectively under the Direction of Her Majesty's Principal Secretary of State for the War Department, and the Land to be purchased and acquired for the Purposes of such Fortifications, Works, and Central Arsenal shall be vested in the said Secretary of State on behalf of Her Majesty.

Accounts to be laid before Parliament.

20. The Commissioners of Her Majesty's Treasury shall in the Month of *April in the Year One thousand eight hundred and sixty-four*, and in every subsequent Year in which any Part of the said Sum of *Six hundred and fifty thousand Pounds* shall be issued from the Consolidated Fund or raised by Annuities under this Act, cause to be prepared an Account of the Monies raised under this Act up to the First Day of that Month, and of the Amount of Annuities created in respect of the Money so raised, and of the Monies which shall have been issued out of the Consolidated Fund in respect of the Sum of *Six hundred and fifty thousand Pounds* charged on that Fund under this Act up to the *First Day of April*, specially showing the Works or Purposes for or in respect of which the Monies may have been applied, and showing the Amount, if any, which may remain to be raised of the said Sum of *Six hundred and fifty thousand Pounds* authorized to be raised under this Act, and the Amount, if any, remaining to be issued or applied of the said Sum of *Six hundred and fifty thousand Pounds* charged on the said Consolidated Fund; and every such Account shall be laid before both Houses of Parliament forthwith after the Preparation thereof, or if Parliament be not sitting then within *Fourteen* Days after the next Meeting of Parliament.

Persons counterfeiting Receipts

21. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards any Sum raised under this Act, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, or Payer or Payers thereof or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of England or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting or altering, or causing or procuring to be forged or counterfeited or altered, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, shall be guilty of Felony, and being convicted thereof shall, at the Discretion of the Court, be liable to be kept in Penal Servitude for any Term not less than *Three* Years, or to be imprisoned, with or without Hard Labour, or with or without Solitary Confinement, for any Term not exceeding *Two* Years.

for Contributions, &c. guilty of Felony.

22. The said Governor and Company of the Bank of England, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities created under this Act shall cease.

Bank to continue a Corporation till the Annuities hereby granted cease.

SCHEDULE.

1. Station.	2. District.	3. Name of Work.	4. Total Estimated Cost.	5. Expended to 31st March 1863.	6. Amount already voted.	7. Amount proposed 1863–4.	8. Further Amount to complete.
			£	£	£	£	£
Portsmouth	Spithead	Horse Sand Fort	260,000	27,364	11,000	25,000	224,000
		No Man's Land	290,000		11,000	25,000	254,000
		Sturbridge	310,000		11,000	25,000	274,000
	Needles	Needles Battery	7,000	4,635	7,000	—	—
		Hatherwood	4,000	- -	- -	4,000	—
		Warden Point	9,000	5,748	9,000	—	—
		Cliff End	30,000	1,968	14,500	- -	15,500
		Golden Hill	30,000	6	8,000	5,000	17,000
		Hurst Castle	108,000	12,726	38,000	5,000	65,000
	Isle of Wight	Puckpool and St. Helen's Batteries.	87,000	294	12,000	10,000	65,000
		Sandown Bay Defences	95,000	39,168	65,000	25,000	5,000
		Military Road and Posts for Defence of South-west Coast.	35,000	- -	5,000	10,000	20,000
	Portsdown	Fort Wallington	75,000	16,113	30,000	15,000	30,000
		Fort Nelson	75,000	13,175	30,000	15,000	30,000
		Fort Southwick	85,000	12,891	30,000	15,000	40,000
		Fort Widley	75,000	15,728	30,000	15,000	30,000
		Fort Purbrook and Outworks	135,000	24,188	55,000	10,000	70,000
	Gosport	Gilkicker Battery	50,000	- -	10,000	- -	40,000
		Stokes Bay Lines	28,000	25,662	186,000	22,000	—
		Fort Grange	60,000	109,116			
		Fort Rowner	60,000				
		Fort Brockhurst	60,000				
		Fort Fareham	90,000	34,677	33,000	40,000	17,000
	Hilsea	Hilsea Lines	120,000	26,217	45,000	- -	75,000
	Southsea	Eastney Batteries	15,700	11,893	18,000	2,000	—
		Lump's Battery	4,300	4,209			
		Southsea Castle	35,000	- -	5,000	10,000	20,000
Plymouth	Sea Defences	Picklecombe Battery	85,000	19,384	40,000	- -	45,000
		Staddon Point Battery	60,000	10,564	25,000	- -	35,000
		Breakwater Fort	145,000	19,975	35,000	20,000	90,000
		Drake's Island Battery	32,000	19,172	32,000	—	—
		Eastern King Battery	2,100	2,014	5,000	—	—
		Western King Battery	2,900	2,686			
		Mount Edgecumbe Battery	10,000	5,990	7,000	3,000	—
	Staddon	Staddon Fort	93,000	59,309	83,000	50,000	35,000
		Fort Stamford	75,000				
	Maker	Knatterbury	5,000	- -	- -	3,000	2,000
		Whitesand Bay	10,000	6,578	10,000	- -	—
		Cawsand Bay	13,000	8,725	10,000	3,000	—
		Maker Barracks	20,000	- -	- -	- -	20,000
	North Eastern	North Eastern Defences	350,000	- -	50,000	50,000	250,000
	Devonport	Devonport Lines	10,000	7,060	9,500	- -	500
	Antony	Fort Tregantle	130,000	91,045	120,000	10,000	—
		Fort Scraesdon	130,000	50,042	70,000	30,000	30,000

1. Station.	2. District.	3. Name of Work.	4. Total Estimated Cost.	5. Expended to 31st March 1863.	6. Amount already voted.	7. Amount proposed 1863–4.	8. Further Amount to complete.
			£	£	£	£	£
Pembroke -	Milford Haven	Stack Rock Fort - -	60,000	11,842	42,000	- -	18,000
		South Hook Battery -	35,000	13,166	23,000	12,000	—
		Hubberstone Battery -	55,000	25,150	35,000	20,000	—
		Popton Battery - -	56,000	32,791	37,000	19,000	—
		Chapel Bay Battery -	10,000	- -	5,000	- -	5,000
		Fort Scoveston (North of Milford Haven).	50,000	10,084	26,000	5,000	19,000
		Works to Southward of Milford Haven.	80,000	- -	- -	- -	80,000
Portland -	Portland -	Verne Citadel, and Batteries connected therewith.	127,000	54,071	62,000	20,000	45,000
		Nothe Fort - -	80,000	45,008	50,000	20,000	10,000
		Breakwater Batteries -	145,000	21,073	45,000	10,000	90,000
Gravesend -	Thames -	Coalhouse Fort - -	90,000	29,447	60,000	- -	30,000
		Cliffe Fort - - -	80,000	23,624	48,000	- -	32,000
		Shornmead - - -	80,000	19,477	42,000	- -	38,000
Medway and Sheerness.	Sea Defences -	Isle of Grain - -	85,000	36,604	70,000	10,000	5,000
		Garrison Point - -	80,000	5,489	36,000	- -	44,000
		Hoo Fort - - -	50,000	30,177	64,000	- -	45,000
		Darnet Fort - -	59,000				
		Slough Battery - -	15,000	72	10,000	- -	5,000
	Works in front of Mile Town.	Cheney Rock Battery -	20,000	44	5,000	- -	15,000
		Queenborough Battery -	20,000	13	5,000	- -	15,000
Chatham -	Eastern -	Eastern Defences - -	500,000	- -	- -	- -	500,000
Dover -	Dover -	Castle Hill Fort - -	80,000	186,307	180,000	70,000	28,000
		Dover Castle - -	7,000				
		Western Heights - -	191,000				
Cork -	Cork -	Spike Island Defences -	10,000	1,414	4,000	1,000	5,000
		Carlisle Fort - -	79,000	13,306	29,000	8,000	42,000
		Camden Fort - -	70,000	4,742	12,000	8,000	50,000
		Total Works -	5,620,000	1,252,223	2,050,000	650,000	2,920,000
Incidental Expenses (Works) - - - - -			120,000	49,456	120,000	—	—
Site for Central Arsenal - - - - - -			150,000	- -	- -	- -	150,000
Lands, including cost of Surveys, Surveyors' Charges, legal and other incidental Expenses - - - -			1,030,000	739,770	1,030,000	—	—
		£	6,920,000	2,041,449	3,200,000	650,000	3,070,000

Provided for by 23 & 24 Vict. c. 109. - - - -	2,000,000
Provided for by 25 & 26 Vict. c. 78. - - - -	1,200,000
Total of this Enactment - - - - -	650,000
Total of the three Enactments - - -	£3,850,000

Fortifications (Provision for Expenses).

A

B I L L

For providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a central Arsenal.

(Prepared and brought in by
Mr. Massey, Viscount Palmerston, and the
Marquis of Hartington.)

Ordered, by The House of Commons, *to be Printed,*
7 *July* 1863.

[Bill 213.]

Under 2 oz.

5 *March* 1863. 26 Vict.

A

BILL

INTITULED

An Act for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs.

[Note.—*The Clause and Words printed in Red Ink are proposed to be inserted in Committee.*]

Preamble.

WHEREAS it is expedient to make Provision for the better Protection and Charge of enclosed Garden or Ornamental Grounds which have been set apart for the Use of the Inhabitants of any Square, Crescent, Circus, Street, or Place surrounding or adjoining such Gardens or Grounds in any City or Borough: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Gardens in Squares, &c. of Fifty Years Standing may be freed from Neglect, Encroachments, &c., and vested in a Committee of rated Inhabitants, or if such decline, in the Metropolitan Board of Works or Corporate Authority.

1. Where in any City or Borough any enclosed Garden or Ornamental Ground has been set apart in any Square, Crescent, Circus, Street, or Place, for the Use or Enjoyment of the Inhabitants thereof, and where the Trustees, Commissioners, or other Body appointed for the Care of the same have neglected to keep it in proper Order, or where such Garden or Ground has not been vested in or placed under the Management of any Trustees, Commissioners, or other Body for the Care of the same, and from the Want of such Care, or from any other Cause, has been neglected, the Metropolitan Board of Works, where the same is in any Place under their Jurisdiction, except the City of London (where the Provisions of this Act shall be carried into effect by the Corporation of the said City), and the Corporate

Authorities in any other City or Borough, shall take charge of the same, putting up a Notice or Notices to that Effect in such Garden or Ornamental Ground, and if after due Inquiry the Person entitled to any Estate of Freehold in the same cannot be found, or if it shall be vested in any Person by whom it is held, subject to any Condition or Reservation for keeping the same as and for a Garden or Pleasure Ground, or that the same shall not be built upon, but not otherwise, shall cause any Buildings or other Encroachment made therein within the Period of Twenty Years before the passing of this Act to be removed, and (if requested by a Majority of Two Thirds of the Owners and of the Occupiers of the Houses surrounding the same) shall vest such Garden or Ornamental Ground in a Committee consisting of not more than Nine nor fewer than Three of the rated Inhabitants of such Houses to be chosen annually by such Inhabitants; and the Vestry or Board of any and every Parish or District within which the same or any Part thereof is situate shall from Time to Time cause to be raised the Sums required by such Committee for defraying the Expenses of the Maintenance and Management of such enclosed Garden or Ornamental Ground, or of such Part thereof as is situate within their Parish or District, by an Addition to the General Rate to be assessed on the Occupiers of such Houses; or if the said Owners and Occupiers shall not agree as aforesaid to undertake the Charge of such Garden or Ornamental Ground, the Metropolitan Board of Works or Corporate Authority aforesaid shall, within Six Months after the Notice herein-before mentioned shall have been put up within the same, or within such further Time as the said Board or Authority may think it expedient to allow for such Agreement to be come to, vest the same in such Vestries or Boards, who shall thenceforth take charge of and maintain the same as an open Place or Street in such Manner as shall appear to them most advantageous to the Public, subject to the Approval of the Metropolitan Board of Works or Corporate Authority, as the Case may require; saving and always reserving to every Person and Persons, his and their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, and Interest as he, she, or they would or ought to have had and enjoyed of, in, to, from, or out of the Gardens and Grounds aforesaid in case this Act had not passed.

Protection of open Spaces from Encroachment.

2. And whereas the Public are greatly interested in the Maintenance of such Gardens and Grounds as open Spaces, and it is expedient that the same should be carefully protected from undue Encroachment, where any Right to require that any Garden or Ornamental Ground as aforesaid be kept and maintained as such, or that the same shall not be built upon, shall belong to any Person in right of any House or other Property, and he shall by Notice in Writing signed by him addressed to the Metropolitan Board of Works where the same is in any Place under their Jurisdiction, except the City of London, where the same shall be addressed to the Corporation of the said City, or to the Corporate Authorities in any other City or Borough, requesting the said Metropolitan Board of Works or Corporate Authority to protect the Right before mentioned, the said Metropolitan Board of Works or Corporate Authority, after due Inquiry, may, if they shall think fit, accede to such Request, and then and thereupon the Right of such Person to require that such Garden or Ornamental Ground to be maintained as such, or that the same shall not be built upon, shall thenceforth be vested in such Metropolitan Board of Works or Corporate Authority, who shall be fully empowered, for and in their own Name, to exercise all the Rights, Powers, and Privileges in relation thereto, and take such legal Proceedings for asserting, defending, and protecting the same as the said Person might have exercised or taken.

Expenses how to be defrayed.

Any Charge incurred by the Metropolitan Board of Works in the Execution of this Act shall be deemed to be Expenses of the said Board for Payment whereof Provision is made by the Act for the better local Management of the Metropolis; and the Expenses incurred by any Corporate Authority shall be deemed to be Expenses necessarily incurred by them in carrying into execution within and for their City or Borough the Act intituled "An Act to provide "for the Regulation of Municipal Corporations in England and "Wales," and any other Act amending the same.

Byelaws for Management of Garden, &c.

3. Where any such Garden or Ground is managed by any Committee of the Inhabitants of any Square, Crescent, Circus, Street, or Place, such Committee may make, and from Time to Time revoke and alter, Byelaws for the Management of the same, and for the Preservation of the Trees, Shrubs, Plants, Flowers, Rails, Fences, Seats, Summer-houses, and other Things therein, which Byelaws shall be entered in a Book kept for that Purpose by the Committee, signed by the Chairman of the Meeting at which the same shall be passed, and which Book shall and may be produced and read, and taken as Evidence of such Byelaws, in all Courts whatever, and any Inhabitant or Servant, or other Person admitted to such Garden by any Inhabitant, offending against the same, after they shall have been duly allowed, as herein-after provided, upon Proof thereof before a Magistrate acting for the District in which such Garden is situate, shall be liable for each Offence to a Penalty not exceeding Five Pounds: Provided always, that such Byelaws shall not come into operation until the same shall have been allowed by some Judge of One of the Superior Courts, or by the Justices in Quarter Sessions; and it shall be incumbent on such Judge or Justices, on the Request of such Committee, to inquire into any Byelaws tendered to them for that Purpose, and to allow or disallow the same as they think meet.

Penalty for injuring Garden.

4. Any Police Constable who shall see any Person throwing any Rubbish into any such Garden, or trespassing therein, or getting over the Railings or Fence, or stealing or damaging the Flowers or Plants, or committing any Nuisance therein, may apprehend such Person, under the Authority hereby given to him; and any Person convicted before any Magistrate acting for the District shall be liable for each and every Offence aforesaid to a Penalty not exceeding Forty Shillings, or to Imprisonment for any Period not exceeding Fourteen Days.

Certain Provisions of 18 & 19 Vict. c. 120. to be incorporated with this Act, and to apply to Penalties, &c. imposed thereby, &c.

5. The Provisions contained in the Two hundred and twenty-fifth, Two hundred and twenty-sixth, Two hundred and twenty-seventh, and Two hundred and twenty-eighth Sections of the Act of the Eighteenth and Nineteenth Victoria, Chapter One hundred and twenty, shall be incorporated in this Act, and shall apply to any Penalty or Forfeiture imposed by this Act, or any Byelaw made in pursuance thereof, in and for every Matter or Thing done or omitted to be done within the Metropolitan District; and the Act of the Eleventh and Twelfth Victoria, Chapter Forty-three, shall apply to every Penalty or Forfeiture imposed by this Act, or any Byelaw made in pursuance thereof, for any Matter or Thing done or omitted to be done within any other Part of England and Wales.

Gardens in Towns Protection.

A

BILL

INTITULED

An Act for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs.

(Brought from the Lords 5 March 1863.)

Ordered, by The House of Commons, *to be Printed,*
5 March 1863.

[Bill 50.]

Under 1 oz.

1 *July* 1863. 26 & 27 VICT.

A

BILL

TO

Enable Provision to be made out of the Funds of Greenwich Hospital for the Widows of Seamen and Marines slain, killed, or drowned in the Sea Service of the Crown.

Preamble.

WHEREAS among the Objects intended to be provided for by the Endowment of Greenwich Hospital was the Sustentation of the Widows of Seamen happening to be slain, killed, or drowned in the Sea Service of the Crown, as far as the Resources of the Hospital would extend, and according to the Rules, Orders, and Constitutions to be provided in that Behalf:

And whereas it is expedient that a Portion of the Revenues of the Hospital should now be applied, as herein-after provided, for the Relief of such Widows and of the Widows of Marines:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appropriation out of Revenues of Hospital for Provision for Widows.

1. The Commissioners of Greenwich Hospital shall, under the Control and Direction of the Lord High Admiral of the United Kingdom, or of the Commissioners for executing the Office of Lord High Admiral, annually appropriate out of the Income of Greenwich

Hospital such Sum, not exceeding in any Year *Five thousand Pounds*, as may from Time to Time appear sufficient for the Purposes of this Act, and as the Finances of the Hospital may from Time to Time allow, which Sum shall be applied in making Provision, in manner herein-after directed, for Widows of Petty Officers and Seamen and of Non-commissioned Officers and Privates of the Royal Marines who, after the passing of this Act, may be killed or drowned in the Service of the Crown.

Widows Fund to be created by Accumulation of unexpended Balances.

2. If in any Year it happens that the Sum of *Five thousand Pounds* or other less Sum appropriated is not wholly expended in making such Provision as aforesaid, the Commissioners of Greenwich Hospital shall, under the Control and Direction aforesaid, dispose of the unexpended Balance as follows; namely, by forming and maintaining, by way of Accumulation, a Fund, to be called The Greenwich Hospital Seamen's Widows Fund, by investing such unexpended Balance in or upon some of the Government Stocks, Funds, or Securities of the United Kingdom, and by from Time to Time investing in like Manner the Proceeds of such Stocks, Funds, or Securities, and the Income from Time to Time resulting therefrom, and from like successive Investments, and by applying from Time to Time in any subsequent Year the Accumulations of previous Years, or the Income resulting therefrom, or any Part of such Accumulations or Income, in making such Provision for such Widows as aforesaid, in like Manner as if the Accumulations or Income so applied in any Year were Part of the Sum of *Five thousand Pounds* or other Sum originally appropriated in that Year.

Admiralty to make Rules to be approved by Order in Council.

3. The Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, shall from Time to Time make such Rules as may seem fit for determining the Nature and Amount of the Provision to be made for such Widows as aforesaid, according to the Circumstances of different Cases, and for governing the Selection of the Persons to receive the Benefit of this Act, and for regulating the Formation and Maintenance of the said Widows Fund, and generally for regulating the Application to the Purposes of this Act of the yearly Sum to be appropriated as aforesaid, and of the said Widows Fund; but any such Rules shall not have effect until they are approved by Her Majesty in Council.

Every Order in Council under this Act shall be laid before both Houses of Parliament within *One Month* after the making thereof, if Parliament is then sitting, and if not, then within *One Month* after the beginning of the next Sitting of Parliament.

Short Title.

4. This Act may be cited as The Greenwich Hospital (Provision for Widows) Act, 1863.

6 *July* 1863. 26 & 27 VICT.

A
BILL
TO
Amend the Law relating to the Seizure of growing Crops in Ireland.

WHEREAS it is expedient to amend the Law relating to the Seizure of growing Crops in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

1. This Act shall extend to Ireland only.

Act to extend to Ireland only.

2. It shall not be lawful to seize or take in execution under any Civil Bill Decree or Order of the Civil Bill Court, or under any Decree, Order, or Warrant of a Justice of the Peace, any growing Crops, Trees, Shrubs, Plants, or Vegetable Matters which are not severed from the Land and Soil, save and except under any such Decree, Order, or Warrant which shall have been pronounced or issued before the passing of this Act.

Growing Crops not to be seized under Civil Bill Decrees or Justices Orders.

5 *March* 1863. 26 VICT.

A

BILL

TO

Amend the Law relative to the Sale of Hares in Ireland.

Preamble.

27 G. 3. c. 35. (I.)

WHEREAS an Act was passed in the Twenty-seventh Year of the Reign of His late Majesty King George the Third, Chapter Thirty-five, (Ireland,) whereby it was enacted that no Person should buy or sell any Hare as therein mentioned: And whereas it is expedient to amend the Provisions of the said recited Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repealing Part of Section 4. of recited Act.

1. From and after the *passing of this Act* so much of the Fourth Section of the said recited Act as enacts that "every Person who "shall buy or cause to be bought, sell or expose to sale, any Hare "at any Time between the First Monday in every November and "the First Monday in every July following shall forfeit a Sum not "exceeding Five Pounds for every such Hare," shall be and the same is hereby repealed.

Extent of Act.

2. This Act shall only extend to Ireland.

Harwich Harbour Bill.

ARRANGEMENT OF CLAUSES.

Clauses.
Preamble.

Preliminary.

1. Short Title.
2. Interpretation.

Conservancy Board.

3. Incorporation of Harwich Harbour Conservancy Board.
4. Appointment of the several Conservators originally and on Vacancies; Tenure of Office.
5. Incorporation of Parts of Commissioners Clauses Act.
6. Accounts and annual Report of Board.

Jurisdiction and Estate of Conservancy Board.

7. Harwich Harbour, and Limits of Jurisdiction of Board, defined.
8. Transfer to Board of existing Conservancy Powers.
9. Transfer to Board of Estate in Shore and Bed of Harbour.

Works.

10. Direction to Board to execute Works at Landguard Point.
11. Power for Board to execute other Works for Preservation and Improvement of Harbour.
12. Approval of Works by Board of Trade.

Lands.

13. Incorporation of Parts of Lands and Railways Clauses Acts.

Management and Protection of Harbour.

14. Incorporation of Harbours Clauses Act.
15. Power to make Byelaws respecting Removal of Ballast, Shingle, &c. from Shore.

Rates.

16. Power to levy Rates.
17. Power for Reduction in favour of Vessels frequenting Harbour.
18. Application of Rates.
19. Application of Part V. of 24 & 25 Vict. c. 47.

Abolition of certain existing Dues.

20. Abolition of certain existing Dues.
21. Saving for Creditors of Corporations of Harwich and Ipswich.

Borrowing Powers and Grant of Money.

22. Power for Board to borrow for Works at Landguard Point; Grant for those Works.
23. Power for Board to borrow for other Purposes.

SCHEDULE.

A

BILL

FOR

The Preservation and Improvement of Harwich Harbour.

WHEREAS it is apprehended that the Navigation into Harwich Harbour may be impeded by the Extension of Landguard Point across the Mouth of the Estuary in consequence of an Accumulation of Shingle on the Seaward Side of that Point: **Preamble.**

And whereas Harwich Harbour is used both as a Harbour of Refuge and for Purposes of local Trade, and it is therefore expedient that Measures should be taken to prevent the further Extension of Landguard Point as aforesaid, and otherwise to preserve and improve the Harbour:

And whereas, with a View to the more effectual Execution of such Measures, it is expedient that the whole Estuary should be placed under the Management of One General Conservancy Authority, with Power to execute all necessary Works, and to levy Rates on Ships using the Harbour:

And whereas it is expedient that a Sum should be contributed, out of Money to be provided by Parliament, towards the Expenses of the

Execution of such Works as may be necessary for the Preservation and Improvement of the Harbour:

And whereas it is expedient that certain Dues now levied on Ships using the Harbour and Goods therein, but not applied exclusively to Shipping Purposes, should be abolished:

May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Harwich Harbour Act, 1863.

Interpretation.

2. In this Act—

The Term "the Treasury" means the Commissioners of Her Majesty's Treasury:

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "the Municipal Corporation of Harwich" means the Mayor, Aldermen, and Burgesses of the Borough of Harwich:

The Term "the Municipal Corporation of Ipswich" means the Mayor, Aldermen, and Burgesses of the Borough of Ipswich:

The Term "the Ipswich Dock Commissioners" means the Commissioners incorporated by The Ipswich Dock Act, 1852.

Conservancy Board.

Incorporation of Harwich Harbour Conservancy Board.

3. There shall be *Eight* Conservators for carrying this Act into execution; which Conservators and their Successors shall be and are hereby, for the Purposes of this Act, incorporated by the Name of The Harwich Harbour Conservancy Board, and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Land and other Property, for the Purposes but subject to the Restrictions of this Act.

The Term "the Conservancy Board" herein-after used means The Harwich Harbour Conservancy Board.

4. The

Appointment of the several Conservators, originally and on Vacancies; Tenure of Office.

4. The Appointment of the several Conservators forming the Conservancy Board, and their Tenure of Office, shall be regulated as follows:—

(1.) One Conservator shall be appointed by each of the following Authorities,—

The Treasury;
The Admiralty;
The Municipal Corporation of Harwich;
The Municipal Corporation of Ipswich; and
The Ipswich Dock Commissioners;

and Two by the Board of Trade:

(2.) The First Appointment of each such Conservator shall be made as soon as may be after the passing of this Act:

(3.) Each Vacancy in the Office of any such Conservator shall be filled up by an Appointment made by the same respective Authority as appointed or was entitled to appoint the vacating Conservator:

(4.) Each Appointment of any such Conservator shall be determinable at any Time by the Authority appointing him, and (subject thereto and to the other Provisions of this Act) shall be operative for *Five* Years and no longer; but at the End of the Term of *Five* Years an out-going Conservator shall be capable of Re-appointment:

(5.) In case the Municipal Corporation of Harwich or Ipswich or the Ipswich Dock Commissioners fail on any Occasion to appoint a Conservator in conformity with this Act, within *One Month* after being required by the Board of Trade to do so, then the Board of Trade, instead of the Authority so failing, shall for that turn appoint a Conservator:

(6.) The Owners of Property and other Persons rated to the Relief of the Poor for the Parish of Mistley in the County of Essex, upon a rateable Value of not less than *Twenty Pounds* a Year, shall as soon as may be after the passing of this Act, and thenceforth annually, elect One Person to be a Conservator.

Incorporation of Parts of Commissioners Clauses Act.

5. The Commissioners Clauses Act, 1847, shall be incorporated with this Act, and shall (so far as the same may be applicable) apply to the Conservancy Board and the several Conservators (for the Purposes of which Act this Act shall be deemed the Special Act); except the Clauses with respect to Accounts and Byelaws, and Recovery of Damages and Penalties; and Section One hundred and nine thereof shall be read as subject to the Provisions of this Act expressly affecting such of the Rights or Things therein mentioned as are specified in this Act; and with reference to Section Thirty-nine, the prescribed Number (forming a Quorum) of the Conservators shall be *Three.*

Accounts and annual Report of Board.

6. The Accounts of the Receipts, Expenditure, Credits, and Liabilities of the Conservancy Board shall be kept and audited, and the same, or proper Abstracts thereof, shall be published, in such Form and Manner, and at such Times, as the Board of Trade from Time to Time directs or approves; and a proper Abstract of all such Accounts, together with a Report of the Conservancy Board on their Proceedings, and on the Works executed by them, and on the State of Harwich Harbour, shall be annually furnished by them to the Board of Trade, who shall lay the same before both Houses of Parliament.

Jurisdiction and Estate of Conservancy Board.

Harwich Harbour, and Limits of Jurisdiction of Board, defined.

7. For the Purposes of this Act, Harwich Harbour shall be deemed to extend from an imaginary Line drawn across the Mouth of the Estuary on which the Town of Harwich stands, from Landguard Point on the one Side to the Seaward End of the Breakwater at Beacon Cliff on the other Side, and throughout that Estuary and up the Rivers Stour and Orwell, and all Rivers, Streams, Pools, Creeks, and Inlets communicating directly or derivatively with that Estuary, as far up the same respectively as the Tide flows.

The Jurisdiction of the Conservancy Board shall extend throughout the Harbour, and also from the same imaginary Line for a Distance of *Two* Miles in a straight Line in every Direction along the Coast and out to Sea.

The Map signed by the present President of the Board of Trade in duplicate and deposited, as to One of the Duplicates, with the Clerk of the Peace for the County of Essex, and as to the other of them with the Clerk of the Peace for the County of Suffolk, shall, for all Purposes, be conclusive Evidence of the Extent of the Harbour and of the Jurisdiction of the Conservancy Board, the Limits of the Harbour being indicated thereon by a continuous Red Line, and the Limits of the Jurisdiction, where it extends beyond the Limits of the Harbour, being indicated thereon by a dotted Red Line.

Each of the said duplicate Maps shall be kept in the Office of the Clerk of the Peace with whom it is deposited, and may be inspected by any Person at any reasonable Time on Payment of *One Shilling* for each Inspection.

Transfer to Board of existing Conservancy Powers.

8. The Conservancy of Harwich Harbour and of the Seashore within the Limits of the Jurisdiction of the Conservancy Board, so far as the same Conservancy is now vested in Her Majesty the Queen, in right of Her Crown or of Her Office of Admiral, or in the Admiralty, or in either of the said Municipal Corporations, shall be and is hereby transferred to and vested in the Conservancy Board, who shall have and may exercise all the same Rights, Powers, and Jurisdiction for the Preservation and Regulation of the Harbour, and of the aforesaid Part of the Seashore, and for the Abatement and Removal of Nuisances affecting the same, and for the Prevention of Injury thereto, as now are had or may lawfully be exercised by Her Majesty, in right of Her Crown or of Her Office of Admiral, or by the Admiralty, or by either of the said Municipal Corporations.

Transfer to Board of Estate in Shore and Bed of Harbour.

9. All the Estate, Right, and Interest of Her Majesty the Queen, in right of Her Crown, in or to the Shore and Bed of Harwich Harbour and the Seashore within the Limits of the Jurisdiction of the Conservancy Board, and in or to all Encroachments, Embankments, and Inclosures (if any) thereon and therefrom, and any Estate, Right, or Interest in or to the same now vested in either of the said Municipal Corporations, shall be and are hereby transferred to and vested in the Conservancy Board, in trust for the Purposes of this Act.

Works.

Direction to Board to execute Works at Landguard Point.

10. As soon as may be after the *passing of this Act*, and afterwards from Time to Time as Occasion may require, the Conservancy Board shall execute such Works within the Limits of their Jurisdiction as may seem best calculated to prevent the Point of Land called Landguard Point, at the North-eastern Side of the Mouth of the said Estuary, from extending Southwards across the Mouth in consequence of the Deposit and Accumulation there of Shingle, Sand, or other Substances.

Power for Board to execute other Works for Preservation and Improvement of Harbour.

11. The Conservancy Board may also from Time to Time execute all such Works and do all such Things, at any Place within the Limits of their Jurisdiction, as may be necessary or proper for keeping open the Entrance of the Harbour, or for preserving the Harbour from Injury resulting from natural or artificial Causes, or for maintaining or improving the Navigation of the Harbour, or for facilitating Access thereto.

Approval of Works by Board of Trade.

12. All Works executed by the Conservancy Board under this Act shall be executed subject to the Approval and in conformity with any Directions of the Board of Trade.

Lands.

13. For the Purposes of this Act the Conservancy Board may from Time to Time purchase and take by Agreement any Land situate within *Half a Mile* of the Limits of their Jurisdiction.

Incorporation of Parts of Lands and Railways Clauses Acts.

The Provisions of The Lands Clauses Consolidation Act, 1845, and of any Act amending it, except with respect to the Purchase and taking of Lands otherwise than by Agreement, and the Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, shall be incorporated with this Act.

In the Construction of the said incorporated Provisions respectively, in connexion with this Act, this Act shall be deemed the Special Act; the Term Lands shall include Easements; the Term the Company shall mean the Conservancy Board; the Term the Railway shall mean any Work constructed by the Conservancy Board; and for the Measurement of Distance the Landward End of such Work shall be substituted for the Centre of the Railway.

Management and Protection of Harbour.

Incorporation of Harbours Clauses Act.

14. The Harbours, Docks, and Piers Clauses Act, 1847, shall be incorporated with this Act (for the Purposes of which Act this Act shall be deemed the Special Act); but Sections Ninety-nine and One hundred thereof shall be read as subject to the Provisions of this Act expressly affecting such of the Rights or Things therein mentioned as are specified in this Act.

Power to make Byelaws respecting Removal of Ballast, Shingle, &c. from Shore.

15. If it appears to the Conservancy Board that the taking away of Ballast, Rock, Stone, Shingle, Gravel, Earth, or other Substance, by the Inhabitants of the District or others, at any Place within the Limits of the Jurisdiction of the Conservancy Board, is or tends to the Injury of Navigation, the following Provisions shall take effect, notwithstanding anything in this Act or in any Act incorporated herewith:—

(1.) The Conservancy Board, with and subject to the Approval of the Board of Trade, may from Time to Time make such Byelaws as seem fit for regulating, restricting, or prohibiting such taking away of Ballast, Rock, Stone, Shingle, Gravel, Earth, or other Substance, and may from Time to Time alter or repeal any such Byelaws:

(2.) The Conservancy Board after framing and transmitting to the Board of Trade such Byelaws as they think expedient in that Behalf, shall publish the same as follows:

By inserting the same as an Advertisement once at least in each of *Two* successive *Weeks* in some One and the same local Newspaper circulating in the Neighbourhood of the Harbour:

By depositing a Copy thereof, within the same *Two Weeks*, for public Inspection at the Custom House of [illegible] : [illegible]

Every such Advertisement and Deposit being accompanied with a Notice of the Intention of the Conservancy Board to apply to the Board of Trade for Approval of such Byelaws:

(3.) The Board of Trade shall take such proposed Byelaws into Consideration, and also any Objection thereto that may be lodged at the Office of the Board of Trade within *One Month* after the Expiration of such last-mentioned *Two Weeks*, and shall either approve the proposed Byelaws, with or without Omission, Addition, or Alteration, or disapprove the same:

(4.) The Conservancy Board shall publish such Byelaws as are approved by the Board of Trade, as follows:

By inserting the same as an Advertisement once at least in each of *Two* successive *Weeks* in the local Newspaper in which the proposed Byelaws were inserted:

By depositing a Copy thereof, within the same *Two Weeks*, at the said Custom House:

(5.) At the Expiration of such last-mentioned *Two Weeks*, the Byelaws so approved shall come into operation, unless a later Time in that Behalf is therein appointed, and shall thenceforth be binding on all Persons, and shall be sufficient to justify all Persons acting thereunder:

(6.) Such Byelaws may impose such reasonable pecuniary Penalties as seem fit, not exceeding Ten Pounds, for each Breach of a Byelaw; but so that such Byelaws shall be so framed as to allow the Authority before whom a Penalty thereunder is sought to be recovered to order Part only of the maximum Penalty to be paid:

(7.) A Copy of such Byelaws, in Writing or Print, or partly in Writing and partly in Print, purporting to be certified as a true Copy thereof under the Hand of the Secretary or Chief Clerk of the Conservancy Board, shall be for all Purposes conclusive Evidence of the Existence and due making and Publication thereof:

(8.) If, nevertheless, in any such Case, but for such Byelaws such taking away of Ballast or other Substance at such Place as aforesaid would not have been unlawful, then every Person who would but for such Byelaws have had a Right to take the same away at that Place, by virtue of a Right of Property in the Part of the Shore or other Place affected, whether as Grantor or Grantee, Lessor or Lessee, or otherwise, shall be entitled, on Proof of his Right to do so by virtue of such Right of Property, to receive from the Conservancy Board Compensation for any Loss or Damage sustained by him by reason or in consequence of such Byelaws, the Title to and Amount and Application of that Compensation to be determined in the Manner provided by The Lands Clauses Consolidation Act, 1845, and any Act amending it, for Determination of the Title to and Amount and Application of Compensation for Lands taken or injuriously affected, which Payment the Conservancy Board may and shall make out of Money coming to them under this Act.

Rates.

Power to levy Rates.

16. From and after the *Thirtieth Day of September One thousand eight hundred and sixty-three*, the Conservancy Board may take, in respect of the Vessels in the Schedule to this Act, Part I., described, any Rates not exceeding the Rates therein specified.

And whereas it is expedient that there should be Authority in proper Cases for the Reduction of Rates payable in respect of particular Classes of Vessels frequently using the Harbour, or the partial Exemption of particular Classes of such Vessels from Rates; therefore, the following Provision shall take effect:

Power for Reduction in favour of Vessels frequenting Harbour.

17. The Conservancy Board may from Time to Time, subject to the Approval and according to any Directions of the Board of Trade, make any such Reduction or allow any such Exemption as aforesaid, in such Classes of Cases as may seem meet.

Application of Rates.

18. The Conservancy Board shall apply all Money received by them from Rates, or from any Property acquired by them under this Act, in the Manner and in the Order following, and not otherwise:—

(1.) In paying the Expenses of the Improvement, Preservation, and Regulation of the Harbour, and of the Execution of the Duties of the Conservancy Board under this Act:

(2.) In paying the Interest on any Money borrowed under this Act:

(3.) In creating the Sinking Fund required, and otherwise providing for the Payment of the Principal Money borrowed:

and the Conservancy Board shall from Time to Time, subject to the Approval and according to any Directions of the Board of Trade, revise the Scale of Rates received by them, so that the Produce of the Rates may always be, as far as is practicable, sufficient and not more than sufficient for making the Payments before in this Section directed.

Application of Part V. of 24 & 25 Vict. c. 47.

19. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to Harwich Harbour and the Conservancy Board under this Act.

Abolition

Abolition of certain existing Dues.

20. From and after the *Thirtieth* Day of *September One thousand eight hundred and sixty-three,* the Dues on Shipping and Goods, described in the Schedule to this Act, Part II., shall cease to be payable; but nothing herein shall prevent the Collection or Recovery of any Money then already payable in respect of any such Due.

Abolition of certain existing Dues.

21. Nothing in this Act shall prejudicially affect any Right or Interest of any Person having any Charge on any of the said abolished Dues jointly with any other Dues, Rates, Fund, or Property, so far as relates to such other Dues, Rates, Fund, or Property; and it shall be the Duty of the Municipal Corporations of Harwich and Ipswich respectively to make full Provision for the Payment of the whole of the Interest accruing due in respect of any such Charge, and for Repayment of the whole of the Principal Money charged, by and out of such other Dues, Rates, Fund, or Property as aforesaid, all and every Portion whereof shall be, by virtue of this Act, charged with the whole of such Principal and Interest as aforesaid.

Saving for Creditors of Corporations of Harwich and Ipswich.

Borrowing Powers and Grant of Money.

22. For the Purposes of the Works which the Conservancy Board is by this Act directed to execute at Landguard Point, they may, with the Approval of the Board of Trade, borrow at Interest such Money as may be required, not exceeding Pounds, on the Security of the Rates leviable by them under this Act, or of any Property acquired by them under this Act, or of both; and, for the Purposes of the same Works, the Treasury may, out of Money to be provided by Parliament, pay to the Conservancy Board such Sum, not exceeding at any Time the Amount then borrowed under the present Section by the Conservancy Board, and not exceeding in the whole the Sum of *Ten thousand Pounds,* and on such Terms, as the Treasury thinks fit; and this Provision shall be without Prejudice to the Power of the Conservancy Board to obtain a Loan from the Public Works Loan Commissioners, and of those Commissioners to make a Loan, for the Purposes of this Act.

Power for Board to borrow for Works at Landguard Point.

Grant for those Works.

23. For the other Purposes of this Act, the Conservancy Board may, with the Approval of the Board of Trade, borrow at Interest such Money as may be required, on any such Security as aforesaid.

Power for Board to borrow for other Purposes.

SCHEDULE.

PART I.

RATES TO BE TAKEN BY CONSERVANCY BOARD ON ALL VESSELS ENTERING HARWICH HARBOUR FROM THE SEA.

		s.	*d.*
For every Vessel of 30 Tons or upwards - -	per Ton	*0*	*1*

Every Vessel under 30 Tons, free.

PART II.

EXISTING DUES ABOLISHED BY THIS ACT.

Harwich.

(1.) Anchorage.—Fourpence for each Ship anchoring within the Portion of the Customs Port of Harwich which is in the Borough of Harwich,—claimed by the Municipal Corporation of Harwich by Prescription.

(2.) Groundage.—Eightpence for each Ship grounding within the same Portion of the same Port,—claimed as above mentioned.

Ipswich.

(3.) Mayor's Coal Dues.—Two Bushels of Coals out of every Cargo of Coal brought into the Port of Ipswich, or in lieu thereof a Commutation Due of *One Shilling* for every such Cargo,—claimed by the Municipal Corporation of Ipswich by Custom.

(4.) Mayor's Salt Dues.—A Quantity of Salt out of every Cargo of Salt brought into the Port of Ipswich, or in lieu thereof a Commutation Due of *One Shilling* for every such Cargo,—claimed by the Municipal Corporation of Ipswich by Custom.

(5.) Anchorage.—*One Shilling* for each Vessel not belonging to the Port of Ipswich anchoring in the River or in that Part of the Harbour which is within the Borough, namely, all that Part of the Harbour which lies to the North-west of a Line from a Place called Shotley Gate to a Sand called Polleshead, being the Sand at Landguard Point, —claimed by the Municipal Corporation of Ipswich by Custom.

(6.) Groundage.—*Eightpence* for each such Vessel grounding in the River or in the same Part of the Harbour,—claimed by the Municipal Corporation of Ipswich by Custom.

Harwich Harbour.

A

BILL

For the Preservation and Improvement
of Harwich Harbour.

(*Prepared and brought in by*
Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,*
5 *May* 1863.

[Bill 110.]

Under 2 oz.

Harwich Harbour Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

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2. Interpretation.

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3. Incorporation of Harwich Harbour Conservancy Board.
4. Appointment of the several Conservators originally and on Vacancies; Tenure of Office.
5. Incorporation of Parts of Commissioners Clauses Act.
6. Accounts and annual Report of Board.

Jurisdiction and Estate of Conservancy Board.

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8. Transfer to Board of existing Conservancy Powers.
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10. Direction to Board to execute Works.
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12. Control of Works by Board of Trade and War Department.

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13. Incorporation of Parts of Lands and Railways Clauses Acts.

Management and Protection of Harbour.

14. Incorporation of Harbours Clauses Act.
15. Power to make Byelaws respecting Removal of Ballast, Shingle, &c. from Shore.

Rates.

16. Power to levy Rates.
17. Power for Reduction in favour of Vessels frequenting Harbour.
18. Application of Rates.

19. Alteration of Rates by special Order only.
20. Application of Part V. of 24 & 25 Vict. c. 47.

Abolition of certain existing Dues.

21. Abolition of certain existing Dues.
22. Saving for Creditors of Corporations of Harwich and Ipswich.

Borrowing Powers and Grant of Money.

23. Power for Board to borrow for Works at Landguard Point; Grant for those Works.
24. Power for Board to borrow for other Purposes.

SCHEDULE.

11 *June* 1863. 26 VICT.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The Preservation and Improvement of Harwich Harbour.

WHEREAS it is apprehended that the Navigation into Harwich Harbour may be impeded by the Extension of Landguard Point across the Mouth of the Estuary in consequence of an Accumulation of Shingle on the Seaward Side of that Point: Preamble.

And whereas Harwich Harbour is used both as a Harbour of Refuge and for Purposes of local Trade, and it is therefore expedient that Measures should be taken to prevent the further Extension of Landguard Point as aforesaid, and otherwise to preserve and improve the Harbour:

And whereas, with a view to the more effectual Execution of such Measures, it is expedient that the whole Estuary should be placed under the Management of One General Conservancy Authority, with Power to execute all necessary Works, and to levy Rates on Ships using the Harbour:

And whereas it is expedient that a Sum should be contributed, out of Money to be provided by Parliament, towards the Expenses of the Execution of such Works as may be necessary for the Preservation and Improvement of the Harbour:

And whereas it is expedient that certain Dues now levied on Ships using the Harbour and Goods therein, but not applied exclusively to Shipping Purposes, should be abolished:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Harwich Harbour Act, 1863.

Interpretation.

2. In this Act—

The Term "the Treasury" means the Commissioners of Her Majesty's Treasury:

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "the Trinity House" means the Master, Wardens, and Assistants of the Brotherhood of the Most Glorious and United Trinity and of Saint Clement in the Parish of Deptford Strond in the County of Kent:

The Term "the Municipal Corporation of Harwich" means the Mayor, Aldermen, and Burgesses of the Borough of Harwich:

The Term "the Municipal Corporation of Ipswich" means the Mayor, Aldermen, and Burgesses of the Borough of Ipswich:

The Term "the Ipswich Dock Commissioners" means the Commissioners incorporated by The Ipswich Dock Act, 1852.

Conservancy Board.

Incorporation of Harwich Harbour Conservancy Board.

3. There shall be Nine Conservators for carrying this Act into execution; which Conservators and their Successors shall be and are hereby, for the Purposes of this Act, incorporated by the Name of The Harwich Harbour Conservancy Board, and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Land and other Property, for the Purposes but subject to the Restrictions of this Act.

The Term "the Conservancy Board" herein-after used means The Harwich Harbour Conservancy Board.

4. The Appointment of the several Conservators forming the Conservancy Board, and their Tenure of Office, shall be regulated as follows:—

Appointment of the several Conservators, originally and on Vacancies; Tenure of Office.

(1.) One Conservator shall be appointed by each of the following Authorities,—

The Treasury;
The Admiralty;
The Trinity House;
The Municipal Corporation of Harwich;
The Municipal Corporation of Ipswich; and
The Ipswich Dock Commissioners;

and Two by the Board of Trade:

(2.) The First Appointment of each such Conservator shall be made as soon as may be after the passing of this Act:

(3.) Each Vacancy in the Office of any such Conservator shall be filled up by an Appointment made by the same respective Authority as appointed or was entitled to appoint the vacating Conservator:

(4.) Each Appointment of any such Conservator shall be determinable at any Time by the Authority which appointed that Conservator, and (subject thereto and to the other Provisions of this Act) shall be operative for Five Years and no longer; but at the End of the Term of Five Years an out-going Conservator shall be capable of Re-appointment:

(5.) In case the Municipal Corporation of Harwich or Ipswich or the Ipswich Dock Commissioners fail on any Occasion to appoint a Conservator in conformity with this Act, within One Month after being required by the Board of Trade to do so, then the Board of Trade, instead of the Authority so failing, shall for that turn appoint a Conservator:

(6.) The Owners and Occupiers of Lands situate in the Parishes of Mistley and Manningtree in the County of Essex, and abutting on the River Stour, who are for the Time being rated to the Relief of the Poor for those Parishes respectively, upon a rateable Value of not less than Fifteen Pounds a Year, shall as soon as may be after the passing of this Act, and thenceforth annually, elect One Person to be a Conservator.

5. The Commissioners Clauses Act, 1847, shall be incorporated with this Act, and shall (so far as the same may be applicable and not inconsistent with any of the Provisions of this Act) apply to the Conservancy Board and the several Conservators (for the Purposes of which Act this Act shall be deemed the Special Act); except the Clauses with respect to Accounts and Byelaws, and Recovery

Incorporation of Parts of Commissioners Clauses Act.

Recovery of Damages and Penalties; and Section One hundred and nine thereof shall be read as subject to the Provisions of this Act expressly affecting such of the Rights or Things therein mentioned as are specified in this Act; and with reference to Section Thirty-nine, the prescribed Number (forming a Quorum) of the Conservators shall be Three.

Accounts and annual Report of Board.

6. The Accounts of the Receipts, Expenditure, Credits, and Liabilities of the Conservancy Board shall be kept and audited, and the same, or proper Abstracts thereof, shall be published, in such Form and Manner, and at such Times, as the Board of Trade from Time to Time directs or approves; and a proper Abstract of all such Accounts, together with a Report of the Conservancy Board on their Proceedings, and on the Works executed by them, and on the State of Harwich Harbour, shall be annually furnished by them to the Board of Trade, who shall lay the same before both Houses of Parliament.

Jurisdiction and Estate of Conservancy Board.

Harwich Harbour, and Limits of Jurisdiction of Board defined.

7. For the Purposes of this Act, Harwich Harbour shall be deemed to extend from an imaginary Line drawn across the Mouth of the Estuary from the Seaward End of Landguard Point in its present State on the one Side to the Seaward End of the Breakwater at Beacon Cliff on the other Side, and throughout the Estuary and up the River Orwell to an imaginary Line drawn across that River from Shotley Point to Fagborough Cliff, and up the River Stour as far as the Tide flows, and up all Streams, Pools, Creeks, and Waters communicating directly or derivatively with the aforesaid Part of the River Orwell or with the River Stour, or with any other Part of the Waters within the first-mentioned imaginary Line as far as the Tide flows up those Streams, Pools, Creeks, Inlets, and Waters.

The Jurisdiction of the Conservancy Board shall extend throughout the Harbour, and also along the Coast for a Distance of Four Miles in both Directions from the Seaward End of Landguard Point in its present State, and also out to Sea for the like Distance in every Direction from the same Point.

The Map whereof Four Copies have been signed by the present President of the Board of Trade, and deposited, as to One of those Copies, with the Clerk of the Peace for the County of Essex, and as to another with the Clerk of the Peace for the County of Suffolk, and as to the Third with the Town Clerk of the Borough of Harwich, and as to the Fourth with the Town Clerk of the Borough of Ipswich, shall, for all Purposes, be conclusive Evidence of the Extent of the Harbour and of the Jurisdiction of the Conservancy Board, the Limits of the Harbour being indicated thereon by a continuous Red Line, and the Limits of the Jurisdiction, where it extends beyond the Limits of the Harbour, being indicated thereon by a dotted Red Line.

Each of the said Maps shall be kept in the Office of the Clerk of the Peace or Town Clerk with whom it is deposited, and may be inspected by any Person at any reasonable Time on Payment of One Shilling for each Inspection.

Transfer to Board of existing Conservancy Powers.

8. The Conservancy of Harwich Harbour and of the Seashore within the Limits of the Jurisdiction of the Conservancy Board, so far as the same Conservancy is now vested in Her Majesty the Queen, in right of Her Crown or of Her Office of Admiral, or in the Admiralty, or in either of the said Municipal Corporations, shall be and is hereby transferred to and vested in the Conservancy Board, who shall have and may exercise all the same Rights, Powers, and Jurisdiction for the Preservation and Regulation of the Harbour, and of the aforesaid Part of the Seashore, and for the Abatement and Removal of Nuisances affecting the same, and for the Prevention of Injury thereto, as now are had or may lawfully be exercised by Her Majesty, in right of Her Crown or of Her Office of Admiral, or by the Admiralty, or by either of the said Municipal Corporations.

Transfer to Board of Estate in Shore and Bed of Harbour.

9. All the Estate, Right, and Interest of Her Majesty the Queen, in right of Her Crown, in or to the Shore and Bed of Harwich Harbour and the Seashore within the Limits of the Jurisdiction of the Conservancy Board, and in or to all Encroachments, Embankments, and Inclosures (if any) thereon and therefrom, and any Estate, Right, or Interest in or to the same now vested in either of the said Municipal Corporations, shall be and are hereby transferred to and vested in the Conservancy Board, in trust for the Purposes of this Act.

Works.

Direction to Board to execute Works.

10. As soon as may be after the passing of this Act, and afterwards from Time to Time as Occasion may require, the Conservancy Board shall execute such Works within the Limits of their Jurisdiction as may seem best calculated to prevent the Point of Land called Landguard Point, at the North-eastern Side of the Mouth of the said Estuary, from extending Southwards across the Mouth in consequence of the Deposit and Accumulation there of Shingle, Sand, or other Substances.

Power for Board to execute other Works for Preservation and Improvement of Harbour.

11. The Conservancy Board may also from Time to Time execute all such Works and do all such Things, at any Place within the Limits of their Jurisdiction, as may be necessary or proper for keeping open the Entrance of the Harbour, or for preserving the

Harbour from Injury resulting from natural or artificial Causes, or for maintaining or improving the general Navigation of the Harbour, or for facilitating Access thereto.

Control of Works by Board of Trade and War Department.

12. All Works executed by the Conservancy Board under this Act shall be executed subject to the Approval and in conformity with any Directions of the Board of Trade.

Fourteen Days at least before commencing any Work, the Conservancy Board shall submit a Plan thereof to such One of Her Majesty's Principal Secretaries of State for the Time being as Her Majesty thinks fit to entrust with the Seals of the War Department, and the Conservancy Board shall not execute any Work to which Objection in Writing is made by such Secretary of State.

Lands.

Incorporation of Parts of Lands and Railways Clauses Acts.

13. For the Purposes of this Act the Conservancy Board may from Time to Time purchase and take by Agreement any Land situate within Half a Mile of the Limits of their Jurisdiction.

The Provisions of The Lands Clauses Consolidation Act, 1845, and of any Act amending it, except with respect to the Purchase and taking of Lands otherwise than by Agreement, and the Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, shall be incorporated with this Act.

In the Construction of the said incorporated Provisions respectively, in connexion with this Act, this Act shall be deemed the Special Act; the Term Lands shall include Easements; the Term the Company shall mean the Conservancy Board; the Term the Railway shall mean any Work constructed by the Conservancy Board; and for the Measurement of Distance the Landward End of such Work shall be substituted for the Centre of the Railway.

Management and Protection of Harbour.

Incorporation of Harbours Clauses Act.

14. The Harbours, Docks, and Piers Clauses Act, 1847, shall be incorporated with this Act (for the Purposes of which Act this Act shall be deemed the Special Act); but Sections Ninety-nine and One hundred thereof shall be read as subject to the Provisions of this Act expressly affecting such of the Rights or Things therein mentioned as are specified in this Act.

Power to make Byelaws respecting Removal of Ballast, Shingle, &c. from Shore.

15. If it appears to the Conservancy Board that the taking away of Ballast, Rock, Stone, Shingle, Gravel, Earth, or other Substance, by the Inhabitants of the District or others, at any Place within the Limits of the Jurisdiction of the Conservancy Board, is or tends to the Injury of Navigation, the following Provisions shall take effect, notwithstanding anything in this Act or in any Act incorporated herewith:—

(1.) The Conservancy Board, with and subject to the Approval of the Board of Trade, may from Time to Time make such Byelaws as seem fit for regulating, restricting, or prohibiting such taking away of Ballast, Rock, Stone, Shingle, Gravel, Earth, or other Substance, and may from Time to Time alter or repeal any such Byelaws:

(2.) The Conservancy Board after framing and transmitting to the Board of Trade such Byelaws as they think expedient in that Behalf, shall publish the same as follows:

By inserting the same as an Advertisement once at least in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of the Harbour:

By depositing a Copy thereof, within the same Two Weeks, for public Inspection at the Custom Houses of Ipswich and Harwich:

Every such Advertisement and Deposit being accompanied with a Notice of the Intention of the Conservancy Board to apply to the Board of Trade for Approval of such Byelaws:

(3.) The Board of Trade shall take such proposed Byelaws into Consideration, and also any Objection thereto that may be lodged at the Office of the Board of Trade within One Month after the Expiration of such last-mentioned Two Weeks, and shall either approve the proposed Byelaws, with or without Omission, Addition, or Alteration, or disapprove the same;

(4.) The Conservancy Board shall publish such Byelaws as are approved by the Board of Trade, as follows:

By inserting the same as an Advertisement once at least in each of Two successive Weeks in the local Newspaper in which the proposed Byelaws were inserted:

By depositing a Copy thereof, within the same Two Weeks, at the said Custom House:

(5.) At the Expiration of such last-mentioned Two Weeks, the Byelaws so approved shall come into operation, unless a later Time in that Behalf is therein appointed, and shall thenceforth be binding on all Persons, and shall be sufficient to justify all Persons acting thereunder:

(6.) Such Byelaws may impose such reasonable pecuniary Penalties as seem fit, not exceeding Ten Pounds, for each Breach of a Byelaw; but so that such Byelaws shall be so framed as to allow the Authority before whom a Penalty thereunder is sought to be recovered to order Part only of the maximum Penalty to be paid:

(7.) A Copy of such Byelaws, in Writing or Print, or partly in Writing and partly in Print, purporting to be certified as a true Copy thereof under the Hand of the Secretary or Chief Clerk of the Conservancy Board, shall be for all Purposes conclusive Evidence of the Existence and due making and Publication thereof:

(8.) If, nevertheless, in any such Case, but for such Byelaws such taking away of Ballast or other Substance at such Place as aforesaid would not have been unlawful, then every Person who would but for such Byelaws have had a Right to take the same away at that Place, by virtue of a Right of Property in the Part of the Shore or other Place affected, whether as Grantor or Grantee, Lessor or Lessee, or otherwise, shall be entitled, on Proof of his Right to do so by virtue of such Right of Property, to receive from the Conservancy Board Compensation for any Loss or Damage sustained by him by reason or in consequence of such Byelaws, the Title to and Amount and Application of that Compensation to be determined in the Manner provided by The Lands Clauses Consolidation Act, 1845, and any Act amending it, for Determination of the Title to and Amount and Application of Compensation for Lands taken or injuriously affected, which Payment the Conservancy Board may and shall make out of Money coming to them under this Act.

Rates.

Power to levy Rates.

16. From and after the Thirtieth Day of September One thousand eight hundred and sixty-three, the Conservancy Board may take, in respect of the Vessels in the Schedule to this Act, Part I., described, any Rates not exceeding the Rates therein specified.

And whereas it is expedient that there should be Authority in proper Cases for the Reduction of Rates payable in respect of particular Classes of Vessels frequently using the Harbour, or the partial Exemption of particular Classes of such Vessels from Rates; therefore, the following Provision shall take effect:

Power for Reduction in favour of Vessels frequenting Harbour.

17. The Conservancy Board may from Time to Time, subject to the Approval of the Board of Trade, and shall from Time to Time if and when required by the Board of Trade, make any such Reduction or allow any such Exemption as aforesaid, in such Classes of Cases as may seem meet.

18. The Conservancy Board shall apply all Money received by them from Rates, and all Monies accruing from any Property acquired by them under this Act, in the Manner and in the Order following, and not otherwise:— Application of Rates.

(1.) In paying the Expenses of the Preservation and Regulation of the Harbour, and of the Execution of the Duties of the Conservancy Board under this Act:

(2.) In paying the Interest on any Money borrowed under this Act:

(3.) In creating any Sinking Fund required, or otherwise providing for the Payment of the Principal Money borrowed:

(4.) In paying the Expenses of the Improvement of the Harbour:

and the Conservancy Board shall from Time to Time, subject to the Approval and according to any Directions of the Board of Trade, revise the Scale of Rates received by them, so that the Produce of the Rates may always be, as far as is practicable, sufficient and not more than sufficient for making the Payments in this Section directed.

19. The Conservancy Board shall not make any Alteration in the Rates for the Time being leviable under this Act otherwise than by special Order, nor unless at each of the Meetings for the making of such special Order there are present at least Two of the Conservators appointed by the Treasury, the Admiralty, the Board of Trade, and the Trinity House. Alteration of Rates by special Order only.

20. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to Harwich Harbour and the Conservancy Board under this Act. Application of Part V. of 24 & 25 Vict. c. 47.

Abolition of certain existing Dues.

21. From and after the Thirtieth Day of September One thousand eight hundred and sixty-three, the Dues on Shipping and Goods, described in the Schedule to this Act, Part II., shall cease to be payable; but nothing herein shall prevent the Collection or Recovery of any Money then already payable in respect of any such Due. Abolition of certain existing Dues.

22. Nothing in this Act shall prejudicially affect any Right or Interest of any Person having any Charge on any of the said abolished Dues jointly with any other Dues, Rates, Fund, or Property, so far as relates to such other Dues, Rates, Fund, or Property; and it shall be the Duty of the Municipal Corporations of Harwich and Ipswich respectively to make full Provision for the Payment of the whole of the Interest accruing due in respect of any such Charge, and for Repayment of the whole of the Principal Money charged, by and out of Saving for Creditors of Corporations of Harwich and Ipswich.

such other Dues, Rates, Fund, or Property as aforesaid, all and every Portion whereof shall be, by virtue of this Act, charged with the whole of such Principal and Interest as aforesaid.

Borrowing Powers and Grant of Money.

Power for Board to borrow for Works at Landguard Point.

Grant for those Works.

23. For the Purposes of the Works which the Conservancy Board is by this Act directed to execute at Landguard Point, they may, with the Approval of the Board of Trade, borrow at Interest such Money as may be required, not exceeding   Pounds, on the Security of the Rates leviable by them under this Act, or of any Property acquired by them under this Act, or of both; and, for the Purposes of the same Works, the Treasury may, out of Money to be provided by Parliament, pay to the Conservancy Board such Sums or Sum not exceeding at any Time the Amount then borrowed under the present Section by the Conservancy Board, and not exceeding in the whole the Sum of Ten thousand Pounds, and on such Terms, as the Treasury thinks fit; and this Provision shall be without Prejudice to the Power of the Conservancy Board to obtain a Loan from the Public Works Loan Commissioners, and of those Commissioners to make a Loan, for the Purposes of this Act.

Power for Board to borrow for other Purposes.

24. For the other Purposes of this Act, the Conservancy Board may, with the Approval of the Board of Trade, borrow at Interest such Money as may be required, on any such Security as aforesaid.

SCHE-

SCHEDULE.

PART I.

RATES TO BE TAKEN BY CONSERVANCY BOARD ON ALL VESSELS ENTERING HARWICH HARBOUR FROM THE SEA.

		s.	*d.*
For every Vessel of 30 Tons or upwards - -	per Ton	0	1

Every Vessel under 30 Tons, free.

PART II.

EXISTING DUES ABOLISHED BY THIS ACT.

Harwich.

(1.) Anchorage.—The Due (of Fourpence or any other Amount) for each Ship anchoring within the Portion of the Customs Port of Harwich which is in the Borough of Harwich,—claimed by the Municipal Corporation of Harwich by Prescription.

(2.) Groundage.—The Due (of Eightpence or any other Amount) for each Ship grounding within the same Portion of the same Port,—claimed as above mentioned.

Ipswich.

(3.) Mayor's Coal Dues.—A Due consisting of Two Bushels or any other Quantity of Coals out of every Cargo of Coal brought into the Port of Ipswich, or in lieu thereof a Commutation Due (of One Shilling or any other Amount) for every such Cargo,—claimed by the Municipal Corporation of Ipswich by Custom.

(4.) Mayor's Salt Dues.—A Quantity of Salt out of every Cargo of Salt brought into the Port of Ipswich, or in lieu thereof a Commutation Due (of One Shilling or any other Amount) for every such Cargo,—claimed by the Municipal Corporation of Ipswich by Custom.

(5.) Anchorage.—The Due of One Shilling or any other Amount for each Vessel not belonging to the Port of Ipswich anchoring in the River or in that Part of the Harbour which is within the Borough, namely, all that Part of the Harbour which lies to the North-west of a Line from a Place called Shotley Gate to a Sand called Polleshead, being the Sand at Landguard Point, —claimed by the Municipal Corporation of Ipswich by Custom.

(6.) Groundage.—The Due (of Eightpence or any other Amount) for each such Vessel grounding in the River or in the same Part of the Harbour,—claimed by the Municipal Corporation of Ipswich by Custom.

Harwich Harbour.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For the Preservation and Improvement
of Harwich Harbour.

(Prepared and brought in by
Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,*
11 *June* 1863.

[Bill 159.]

Under 2 oz.

Harwich Harbour Bill.

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

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Preamble.

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15. Incorporation of Harbours Clauses Act.
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Rates.

19. Power to levy Rates.
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Abolition of certain existing Dues.

24. Abolition of certain existing Dues.
25. Saving for Creditors of Corporations of Harwich and Ipswich.

Borrowing Powers and Grant of Money.

26. Power for Board to borrow for Works at Landguard Point; Grant for those Works.
27. Power for Board to borrow for other Purposes.

SCHEDULE.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

FOR

The Preservation and Improvement of Harwich Harbour.

WHEREAS it is apprehended that the Navigation into Harwich Harbour may be impeded by the Extension of Landguard Point across the Mouth of the Estuary in consequence of an Accumulation of Shingle on the Seaward Side of that Point: Preamble.

And whereas Harwich Harbour is used both as a Harbour of Refuge and for Purposes of local Trade, and it is therefore expedient that Measures should be taken to prevent the further Extension of Landguard Point as aforesaid, and otherwise to preserve and improve the Harbour:

And whereas, with a view to the more effectual Execution of such Measures, it is expedient that the whole Estuary should be placed under the Management of One General Conservancy Authority, with Power to execute all necessary Works, and to levy Rates on Ships using the Harbour:

And whereas it is expedient that a Sum should be contributed, out of Money to be provided by Parliament, towards the Expenses of the Execution of such Works as may be necessary for the Preservation and Improvement of the Harbour:

And whereas it is expedient that certain Dues now levied on Ships using the Harbour and Goods therein, but not applied exclusively to Shipping Purposes, should be abolished:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title.

1. This Act may be cited as The Harwich Harbour Act, 1863.

Interpretation.

2. In this Act—

The Term "Person" shall include Her Majesty, Her Heirs and Successors:

The Term "the Treasury" means the Commissioners of Her Majesty's Treasury:

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Term "the Board of Trade" means the Lords of the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Term "the Trinity House" means the Master, Wardens, and Assistants of the Brotherhood of the Most Glorious and United Trinity and of Saint Clement in the Parish of Deptford Strond in the County of Kent:

The Term "the Municipal Corporation of Harwich" means the Mayor, Aldermen, and Burgesses of the Borough of Harwich:

The Term "the Municipal Corporation of Ipswich" means the Mayor, Aldermen, and Burgesses of the Borough of Ipswich:

The Term "the Ipswich Dock Commissioners" means the Commissioners incorporated by The Ipswich Dock Act, 1852.

Conservancy Board.

Incorporation of Harwich Harbour Conservancy Board.

3. There shall be Nine Conservators for carrying this Act into execution; which Conservators and their Successors shall be and are hereby, for the Purposes of this Act, incorporated by the Name of The Harwich Harbour Conservancy Board, and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Land and other Property, for the Purposes but subject to the Restrictions of this Act.

The Term "the Conservancy Board" herein-after used means The Harwich Harbour Conservancy Board.

Appointment and Election of the several Conservators, originally and on Vacancies; Tenure of Office.

4. The Appointment and Election of the several Conservators forming the Conservancy Board, and their Tenure of Office, shall be regulated as follows:—

(1.) One Conservator shall be appointed by each of the following Authorities,—

The Treasury;
The Admiralty;
The Trinity House;
The Municipal Corporation of Harwich, acting by the Town Council;
The Municipal Corporation of Ipswich, acting by the Town Council; and
The Ipswich Dock Commissioners;

and Two by the Board of Trade:

(2.) The First Appointment of each such Conservator shall be made as soon as may be after the passing of this Act:

(3.) Each Vacancy in the Office of any such Conservator shall be filled up by an Appointment made by the same respective Authority as appointed or was entitled to appoint the vacating Conservator:

(4.) Each Appointment of any such Conservator shall be determinable at any Time by the Authority which appointed that Conservator, and (subject thereto and to the other Provisions of this Act) shall be operative for Five Years and no longer; but at the End of the Term of Five Years an out-going Conservator shall be capable of Re-appointment:

(5.) In case the Municipal Corporation of Harwich or Ipswich or the Ipswich Dock Commissioners fail on any Occasion to appoint a Conservator in conformity with this Act, within One Month after being required by the Board of Trade to do so, then the Board of Trade, instead of the Authority so failing, shall for that turn appoint a Conservator:

(6.) The Owners and Occupiers of Lands situate in the Parishes of Mistley and Manningtree in the County of Essex, and abutting on the River Stour, who are for the Time being rated to the Relief of the Poor for those Parishes respectively, upon a rateable Value of not less than Fifteen Pounds a Year, shall as soon as may be after the passing of this Act, and thenceforth annually, elect One Person to be a Conservator.

Incorporation of Parts of Commissioners Clauses Act.

5. The Commissioners Clauses Act, 1847, shall be incorporated with this Act, and shall (so far as the same may be applicable and not inconsistent with any of the Provisions of this Act) apply to the Conservancy Board and the several Conservators (for the Purposes of which Act this Act shall be deemed the Special Act); except the Clauses with respect to Accounts and Byelaws, and Recovery of Damages and Penalties; and Section One hundred and nine thereof shall be read as subject to the Provisions of this Act expressly affecting such of the Rights or Things therein mentioned as are specified in this Act; and with reference to Section Thirty-nine, the prescribed Number (forming a Quorum) of the Conservators shall be Three.

Accounts and annual Report of Board.

6. The Accounts of the Receipts, Expenditure, Credits, and Liabilities of the Conservancy Board shall be kept and audited, and the same, or proper Abstracts thereof, shall be published, in such Form and Manner, and at such Times, as the Board of Trade from Time to Time directs or approves; and a proper Abstract of all such Accounts, together with a Report of the Conservancy Board on their Proceedings, and on the Works executed by them, and on the State of Harwich Harbour, shall be annually furnished by them to the Board of Trade, who shall lay the same before both Houses of Parliament.

Jurisdiction and Estate of Conservancy Board.

Harwich Harbour, and Limits of Jurisdiction of Board defined.

7. For the Purposes of this Act, Harwich Harbour shall be deemed to extend from an imaginary Line drawn across the Mouth of the Estuary from the Seaward End of Landguard Point in its present State on the one Side to the Seaward End of the Breakwater at Beacon Cliff on the other Side, and throughout the Estuary and up the River Orwell to an imaginary Line drawn across that River from Shotley Point to Fagborough Cliff, and up the River Stour as far as the Tide flows, and up all Streams, Pools, Creeks, Inlets, and Waters communicating directly or derivatively with the aforesaid Part of the River Orwell or with the River Stour, or with any other Part of the Waters within the first-mentioned imaginary Line as far as the Tide flows up those Streams, Pools, Creeks, Inlets, and Waters.

The Jurisdiction of the Conservancy Board shall extend throughout the Harbour, and also along the Coast for a Distance of Four Miles in both Directions from the Seaward End of Landguard Point in its present State, and also out to Sea for the like Distance in every Direction from the same Point.

The Map whereof Four Copies have been signed by the present President of the Board of Trade, and deposited, as to One of those Copies, with the Clerk of the Peace for the County of Essex, and as to another with the Clerk of the Peace for the County of Suffolk, and as to the Third with the Town Clerk of the Borough of Harwich, and as to the Fourth with the Town Clerk of the Borough of Ipswich, shall, for all Purposes, be conclusive Evidence of the Extent of the Harbour and of the Jurisdiction of the Conservancy Board, the Limits of the Harbour being indicated thereon by a continuous Red Line, and the Limits of the Jurisdiction, where it extends beyond the Limits of the Harbour, being indicated thereon by a dotted Red Line.

Each of the said Maps shall be kept in the Office of the Clerk of the Peace or Town Clerk with whom it is deposited, and may be inspected by any Person at any reasonable Time on Payment of One Shilling for each Inspection.

Transfer to Board of existing Conservancy Powers.

8. The Conservancy of Harwich Harbour and of the Seashore within the Limits of the Jurisdiction of the Conservancy Board, so far as the same Conservancy is now vested in Her Majesty the Queen, in right of Her Crown or of Her Office of Admiral, or in the Admiralty, or in either of the said Municipal Corporations, shall be and is hereby transferred to and vested in the Conservancy Board, who shall have and may exercise all the same Rights, Powers, and Jurisdiction for the Preservation and Regulation of the Harbour, and of the aforesaid Part of the Seashore, and for the Abatement and Removal of Nuisances affecting the same, and for the Prevention of Injury thereto, as now are had or may lawfully be exercised by Her Majesty, in right of Her Crown or of Her Office of Admiral, or by the Admiralty, or by either of the said Municipal Corporations.

Works.

Direction to Board to execute Works.

9. As soon as may be after the passing of this Act, and afterwards from Time to Time as Occasion may require, the Conservancy Board shall execute such Works within the Limits of their Jurisdiction as may seem best calculated to prevent the Point of Land called Landguard Point, at the North-eastern Side of the Mouth of the said Estuary, from extending Southwards across the Mouth in consequence of the Deposit and Accumulation there of Shingle, Sand, or other Substances.

Power for Board to execute other Works for Preservation and Improvement of Harbour.

10. The Conservancy Board may also from Time to Time execute all such Works and do all such Things, at any Place within the Limits of their Jurisdiction, as may be necessary or proper for keeping open the Entrance of the Harbour, or for preserving the Harbour from Injury resulting from natural or artificial Causes, or for maintaining or improving the general Navigation of the Harbour, or for facilitating Access thereto.

CLAUSE A. Power to dredge.

11. The Conservancy Board may from Time to Time, at any Place within the Limits of their Jurisdiction, dredge and remove from the Seashore below High-water Mark at ordinary Spring Tides, Sand, Shingle, or other Substances, the dredging and Removal whereof appear to the Conservancy Board to be necessary or proper for the Preservation or Improvement of the Navigation of the Harbour; provided that where the Power vested in the Conservancy Board by the present Section is exercised with a view to the Improvement only, and to the Preservation of the Navigation of the Harbour, they shall make Compensation to any Person interested in the Part of the Seashore affected for any Injury caused by the Exercise of such Power, the Title to and Amount and Application of such Compensation to be determined in the Manner provided by the Lands Clauses Consolidation Act, 1845, and any Act amending it, for Determination of the Title to and Amount and Application of Compensation for Lands taken or injuriously affected, and the Amount of such Compensation shall be paid by the Conservancy Board out of Money coming to them under this Act.

Control of Works by Board of Trade and War Department.

12. All Works executed by the Conservancy Board under this Act shall be executed subject to the Approval and in conformity with any Directions of the Board of Trade.

Fourteen Days at least before commencing any Work, the Conservancy Board shall submit a Plan thereof to such One of Her Majesty's Principal Secretaries of State for the Time being as Her Majesty thinks fit to entrust with the Seals of the War Department, and the Conservancy Board shall not execute any Work to which Objection in Writing is made by such Secretary of State.

Lands.

CLAUSE B. Purchase of Land by the Conservancy Board.

13. For the Purposes of the Works which the Conservancy Board is by this Act directed to execute for preventing the Extension of Landguard Point, they may from Time to Time purchase and take, by Agreement or otherwise, any Part of the Seashore below High-water Mark at ordinary Spring Tides situate within the Limits of their Jurisdiction, and at or to the Northward of Landguard Point; and for the other Purposes of this Act the Conservancy Board may from Time to Time purchase and take by Agreement any other Land situate within the Limits of their Jurisdiction, or within the Distance of Half a Mile therefrom.

Incorporation of Parts of Lands and

14. The Provisions of The Lands Clauses Consolidation Act, 1845, and of any Act amending it, and the Provisions of The Railways Clauses Consolidation Act, 1845, with respect to the temporary

Occupation of Lands near the Railway during the Construction thereof, shall be incorporated with this Act.

Railways Clauses Acts.

In the Construction of the said incorporated Provisions respectively, in connexion with this Act, this Act shall be deemed the Special Act; the Term Lands shall include Easements; the Term the Company shall mean the Conservancy Board; the Term the Railway shall mean any Work constructed by the Conservancy Board; and for the Measurement of Distance the Landward End of such Work shall be substituted for the Centre of the Railway.

Management and Protection of Harbour.

Incorporation of Harbours Clauses Act.

15. The Harbours, Docks, and Piers Clauses Act, 1847, shall be incorporated with this Act (for the Purposes of which Act this Act shall be deemed the Special Act); but Sections Ninety-nine and One hundred thereof shall be read as subject to the Provisions of this Act expressly affecting such of the Rights or Things therein mentioned as are specified in this Act.

CLAUSE C. Power for Conservancy Board to lay Moorings.

16. The Conservancy Board may from Time to Time, at any Place within the Limits of their Jurisdiction, lay down and maintain or remove such Moorings as they think proper for the Convenience of Vessels.

CLAUSE D. Prevention of Works injurious to Navigation.

17. It shall not be lawful for any Person at any Place within the Limits of the Jurisdiction of the Conservancy Board to construct on any Part of the Seashore below High-water Mark at ordinary Spring Tides any Work to the Construction whereof Objection in Writing is made by the Conservancy Board on Grounds specified by them, and showing in their Opinion that such other Work would be injurious to the Navigation of the Harbour or of the Entrance thereof, or would tend to obstruct Access thereto, unless the Board of Trade, on Application being made to them in that Behalf by such Person or Authority, thinks fit to declare that in their Opinion such Work may be proceeded with, subject to such Conditions or Modifications, if any, as may seem to the Board of Trade necessary or proper with a view to the Protection of Navigation.

Power to make Byelaws respecting Removal of Ballast, Shingle, &c. from Shore.

18. If it appears to the Conservancy Board that the taking away of Ballast, Rock, Stone, Shingle, Gravel, Earth, or other Substance, by the Inhabitants of the District or others, at any Place within the Limits of the Jurisdiction of the Conservancy Board, is or tends to the Injury of Navigation, the following Provisions shall take effect, notwithstanding anything in this Act or in any Act incorporated herewith:—

(1.) The Conservancy Board, with and subject to the Approval of the Board of Trade, may from Time to Time make such Byelaws as seem fit for regulating, restricting, or prohibiting such taking away of Ballast, Rock, Stone, Shingle, Gravel, Earth, or other Substance, and may from Time to Time alter or repeal any such Byelaws:

(2.) The Conservancy Board after framing and transmitting to the Board of Trade such Byelaws as they think expedient in that Behalf, shall publish the same as follows:

By inserting the same as an Advertisement once at least in each of Two successive Weeks in some One and the same local Newspaper circulating in the Neighbourhood of the Harbour:

By depositing a Copy thereof, within the same Two Weeks, for public Inspection at the Custom Houses of Ipswich and Harwich:

Every such Advertisement and Deposit being accompanied with a Notice of the Intention of the Conservancy Board to apply to the Board of Trade for Approval of such Byelaws:

(3.) The Board of Trade shall take such proposed Byelaws into Consideration, and also any Objection thereto that may be lodged at the Office of the Board of Trade within One Month after the Expiration of such last-mentioned Two Weeks, and shall either approve the proposed Byelaws, with or without Omission, Addition, or Alteration, or disapprove the same:

(4.) The Conservancy Board shall publish such Byelaws as are approved by the Board of Trade, as follows:

By inserting the same as an Advertisement once at least in each of Two successive Weeks in the local Newspaper in which the proposed Byelaws were inserted:

By depositing a Copy thereof, within the same Two Weeks, at the said Custom Houses:

(5.) At the Expiration of such last-mentioned Two Weeks, the Byelaws so approved shall come into operation, unless a later Time in that Behalf is therein appointed, and shall thenceforth be binding on all Persons, and shall be sufficient to justify all Persons acting thereunder:

(6.) Such Byelaws may impose such reasonable pecuniary Penalties as seem fit, not exceeding Ten Pounds, for each Breach of a Byelaw; but so that such Byelaws shall be so framed as to allow the Authority before whom a Penalty thereunder is sought to be recovered to order Part only of the maximum Penalty to be paid:

(7.) A Copy of such Byelaws, in Writing or Print, or partly in Writing and partly in Print, purporting to be certified as a true Copy thereof under the Hand of the Secretary or Chief Clerk of the Conservancy Board, shall be for all Purposes conclusive Evidence of the Existence and due making and Publication thereof:

(8.) If, nevertheless, in any such Case, but for such Byelaws such taking away of Ballast or other Substance at such Place as aforesaid would not have been unlawful, then every Person who would but for such Byelaws have had a Right to take the same away at that Place, by virtue of a Right of Property in the Part of the Shore or other Place affected, whether as Grantor or Grantee, Lessor or Lessee, or otherwise, shall be entitled, on Proof of his Right to do so by virtue of such Right of Property, to receive from the Conservancy Board Compensation for any Loss or Damage sustained by him by reason or in consequence of such Byelaws, the Title to and Amount and Application of that Compensation to be determined in the Manner provided by The Lands Clauses Consolidation Act, 1845, and any Act amending it, for Determination of the Title to and Amount and Application of Compensation for Lands taken or injuriously affected, which Payment the Conservancy Board may and shall make out of Money coming to them under this Act.

Rates.

Power to levy Rates.

19. From and after the Thirtieth Day of September One thousand eight hundred and sixty-three, the Conservancy Board may take, in respect of the Vessels in the Schedule to this Act, Part I., described, any Rates not exceeding the Rates therein specified.

And whereas it is expedient that there should be Authority in proper Cases for the Reduction of Rates payable in respect of particular Classes of Vessels frequently using the Harbour, or the partial Exemption of particular Classes of such Vessels from Rates; therefore, the following Provision shall take effect:

Power for Reduction in favour of Vessels frequenting Harbour.

20. The Conservancy Board may from Time to Time, subject to the Approval of the Board of Trade, and shall from Time to Time if and when required by the Board of Trade, make any such Reduction or allow any such Exemption as aforesaid, in such Classes of Cases as may seem meet.

Application of Rates.

21. The Conservancy Board shall apply all Money received by them from Rates, or accruing from any Property acquired by them under this Act, in the Manner and in the Order following, and not otherwise;—

(1.) In paying the Expenses of the Preservation and Regulation of the Harbour, and of the Execution of the Duties of the Conservancy Board under this Act:

(2.) In paying the Interest on any Money borrowed under this Act:

(3.) In creating any Sinking Fund required, or otherwise providing for the Payment of the Principal Money borrowed:

(4.) In paying the Expenses of the Improvement of the Harbour:

and the Conservancy Board shall from Time to Time, subject to the Approval and according to any Directions of the Board of Trade, revise the Scale of Rates received by them, so that the Produce of the Rates may always be, as far as is practicable, sufficient and not more than sufficient for making the Payments in this Section directed.

Alteration of Rates by special Order only.

22. The Conservancy Board shall not make any Alteration in the Rates for the Time being leviable under this Act otherwise than by special Order, nor unless at each of the Meetings for the making of such special Order there are present at least Two of the Conservators appointed by the Treasury, the Admiralty, the Board of Trade, and the Trinity House.

Application of Part V. of 24 & 25 Vict. c. 47.

23. Part V. of The Harbours and Passing Tolls, &c. Act, 1861, shall apply to Harwich Harbour and the Conservancy Board under this Act.

Abolition of certain existing Dues.

Abolition of certain existing Dues.

24. From and after the Thirtieth Day of September One thousand eight hundred and sixty-three, the Dues on Shipping and Goods, described in the Schedule to this Act, Part II., shall cease to be payable; but nothing herein shall prevent the Collection or Recovery of any Money then already payable in respect of any such Due.

Saving for Creditors of Corporations of Harwich and Ipswich.

25. Nothing in this Act shall prejudicially affect any Right or Interest of any Person having any Charge on any of the said abolished Dues jointly with any other Dues, Rates, Fund, or Property, so far as relates to such other Dues, Rates, Fund, or Property; and it shall be the Duty of the Municipal Corporations of Harwich and Ipswich respectively to make full Provision for the Payment of the whole of the Interest accruing due in respect of any such Charge, and for Repayment of the whole of the Principal Money charged, by and out of such other Dues, Rates, Fund, or Property as aforesaid, all and every Portion whereof shall be, by virtue of this Act, charged with the whole of such Principal and Interest as aforesaid.

Borrowing Powers and Grant of Money.

26. For the Purposes of the Works which the Conservancy Board is by this Act directed to execute for preventing the Extension of Landguard Point, they may, with the Approval of the Board of Trade, borrow at Interest such Money as may be required, not exceeding Ten thousand Pounds, on the Security of the Rates leviable by them under this Act, or of any Property acquired by them under this Act, or of both; and, for the Purposes of the same Works, the Treasury may, out of Money to be provided by Parliament, pay to the Conservancy Board such Sums or Sum not exceeding at any Time the Amount then borrowed under the present Section by the Conservancy Board, and not exceeding in the whole the Sum of Ten thousand Pounds, and on such Terms, as the Treasury thinks fit; and this Provision shall be without Prejudice to the Power of the Conservancy Board to obtain a Loan from the Public Works Loan Commissioners, and of those Commissioners to make a Loan, for the Purposes of this Act.

Power for Board to borrow for Works at Landguard Point.

Grant for those Works.

27. For the other Purposes of this Act, the Conservancy Board may, with the Approval of the Board of Trade, borrow at Interest such Money as may be required, on any such Security as aforesaid.

Power for Board to borrow for other Purposes.

SCHEDULE.

PART I.

RATES TO BE TAKEN BY CONSERVANCY BOARD ON ALL VESSELS ENTERING HARWICH HARBOUR FROM THE SEA.

		s.	*d.*
For every Vessel of 30 Tons or upwards - -	per Ton	0	1

Every Vessel under 30 Tons, free.

PART II.

EXISTING DUES ABOLISHED BY THIS ACT.

Harwich.

(1.) Anchorage.—The Due (of Fourpence or any other Amount) for each Ship anchoring within the Portion of the Customs Port of Harwich which is in the Borough of Harwich,—claimed by the Municipal Corporation of Harwich by Prescription.

(2.) Groundage.—The Due (of Eightpence or any other Amount) for each Ship grounding within the same Portion of the same Port,—claimed as above mentioned.

Ipswich.

(3.) Mayor's Coal Dues.—A Due consisting of Two Bushels or any other Quantity of Coals out of every Cargo of Coal brought into the Port of Ipswich, or in lieu thereof a Commutation Due (of One Shilling or any other Amount) for every such Cargo,—claimed by the Municipal Corporation of Ipswich by Custom.

(4.) Mayor's Salt Dues.—A Quantity of Salt out of every Cargo of Salt brought into the Port of Ipswich, or in lieu thereof a Commutation Due (of One Shilling or any other Amount) for every such Cargo,—claimed by the Municipal Corporation of Ipswich by Custom.

(5.) Anchorage.—The Due (of One Shilling or any other Amount) for each Vessel not belonging to the Port of Ipswich anchoring in the River or in that Part of the Harbour which is within the Borough, namely, all that Part of the Harbour which lies to the North-west of a Line from a Place called Shotley Gate to a Sand called Polleshead, being the Sand at Landguard Point, —claimed by the Municipal Corporation of Ipswich by Custom.

(6.) Groundage.—The Due (of Eightpence or any other Amount) for each such Vessel grounding in the River or in the same Part of the Harbour,—claimed by the Municipal Corporation of Ipswich by Custom.

Harwich Harbour.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE
AND ON RE-COMMITMENT]

For the Preservation and Improvement
of Harwich Harbour.

(*Prepared and brought in by*
Mr. Milner Gibson and Mr. Hutt.)

Ordered, by The House of Commons, *to be Printed,*
19 *June* 1863.

[Bill 176.]

Under 2 oz.

Howth Harbour Bill.

ARRANGEMENT OF CLAUSES.

Commissioners of Public Works to advance and expend a Sum not exceeding 5,000*l.* for Improvement of Howth Harbour; Sect. 1.

Power to levy Tolls and Rates; 2.

A List of the Rates, Tolls, Rates, &c. to be affixed in conspicuous Places; 3.

Commissioners may let the Tolls; 4.

Application of Tolls and Rents of Lands; 5.

Power of enforcing Payment of Tolls; 6.

Commissioners to make Byelaws; 7.

Copies of Byelaws to be Evidence; 8.

18 *June* 1863. 26 VICT.

A

BILL

FOR

The further Improvement of the Harbour of Howth.

Preamble. 6 & 7 W. 4. c. 35. s. 40.

WHEREAS by a certain Act of Parliament of the Session held in the Sixth and Seventh Years of His late Majesty King William the Fourth, Chapter Thirty-five, the Harbour of Howth, with the Appurtenances thereof, as in the said Act set forth, were respectively transferred to and made over and became vested in the Commissioners of Public Works in Ireland, and it was thereby enacted that the same should be repaired, maintained, and supported by the said Commissioners so far as should from Time to Time be authorized by the Commissioners of Her Majesty's Treasury: And whereas by a certain Act of Parliament of the Session held in the Ninth and Tenth Years of Her present Majesty, Chapter Three, being an Act to encourage the Sea Fisheries in Ireland by promoting and aiding with Grants of Public Money the Construction of Piers, Harbours, and other Works, the Commissioners of Public Works, being the Commissioners for the Execution of that Act, were empowered, with the Consent of the Commissioners of Her Majesty's Treasury, to make Advances by way of Grant to an Amount not exceeding the Sum of Fifty thousand Pounds, to be applied for the Purposes of that Act in the Manner therein provided, and subject to the Conditions therein mentioned:

And whereas by a certain other Act of Parliament of the Session held in the Tenth and Eleventh Years of Her said Majesty, Chapter Seventy-five, the said Commissioners of Public Works were enabled to make further Advances by way of Grant for the Purposes of the said Act of the Session in the Ninth and Tenth Years of Her Majesty, Chapter Three, not exceeding the Sum of Forty thousand Pounds: And whereas the said Harbour of Howth has become an important Station and Place of Refuge for Vessels engaged in prosecuting the Sea Fisheries on the East Coast of Ireland, but the said Harbour has of late Years been gradually silting up, whereby its Value and Usefulness have been materially injured and lessened: And whereas it is expedient that the said Harbour of Howth should be deepened and otherwise improved, and that the said Commissioners, out of any Balance unapplied and available of the said Sums of Fifty thousand Pounds and Forty thousand Pounds, should be empowered to expend on the Improvement of the said Harbour a Sum of Money not exceeding the Sum of *Five thousand Pounds*, and that Provision should be made for the making of Byelaws for the Regulation of the said Harbour, and also for the Imposition of Tolls and Harbour Dues on Vessels frequenting and Goods imported into the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners of Public Works to advance and expend a Sum not exceeding 5,000*l.* for Improvement of the said Harbour.

1. It shall be lawful for the Commissioners of Public Works in Ireland with the Consent of the Commissioners of Her Majesty's Treasury (anything in the said Acts of the Sessions held in the Ninth and Tenth and Tenth and Eleventh Years of Her said Majesty to the contrary notwithstanding), out of the Balance available of the said Sums of Fifty thousand Pounds and Forty thousand Pounds, to advance and expend upon the deepening and improving the said Harbour of Howth, and such other Works appertaining to the same as the said Commissioners of the Treasury may approve, any Sum of Money not exceeding the Sum of *Five thousand Pounds.*

Power to levy Tolls and Rates.

2. It shall and may be lawful for the Commissioners of Public Works and they are hereby authorized to levy or cause to be levied and paid for the Use of the said Harbour such Tolls and Rates, Licence Duties and Charges, as the Commissioners of Her Majesty's Treasury shall from Time to Time approve of.

A List of the Rates, Tolls, &c.

3. The said Commissioners shall cause a List, printed or painted in legible characters, of the several Rates and Tolls which the said

Commissioners shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on Boards in some conspicuous Place within the Limits of the said Harbour.

to be affixed in conspicuous Places.

Commissioners may let the Tolls.

4. It shall be lawful for the said Commissioners, if they shall so think fit, by public Bidding, from Time to Time to let or relet all or any of the Tolls or Rates payable under the Provisions of this Act, for Terms not exceeding *Ten* nor less than *Five* Years, on such Conditions and with such Security for Payment of the Rent reserved on such Lease, as the said Commissioners shall think fit, and the Commissioners of Her Majesty's Treasury shall from Time to Time approve.

Application of Tolls and Rents of Lands.

5. The Tolls payable under the Provisions of this Act, or the Rent payable upon any Lease thereof, shall be applied by the said Commissioners from Time to Time in repairing and maintaining the said Harbour as the said Commissioners may think right.

Power of enforcing Payment of Tolls.

6. It shall be lawful for the said Commissioners, in Cases in which such Tolls or Rates shall not be leased or let, and for the Lessees or Lessee of such Tolls or Rates if leased or let, from Time to Time to appoint sufficient Collectors and Officers or Agents for the Purpose of receiving the Tolls and Rates payable under this Act; and in case any Person liable to pay such Tolls or Rates shall refuse or neglect to pay the same, it shall be lawful for the said Commissioners, or for the Lessees or Lessee of the said Tolls and Rates, or their Officer or Agent, or other Person to whom such Toll or Rate ought to have been paid, to seize the Vessel, Goods, Articles, and Things, in respect of which such Tolls or Rates ought to have been paid, wherever the same may be found, and to detain the same until such Tolls or Rates, together with the reasonable Costs and Expenses of such Seizure and Detention, shall be paid; and if such Vessels, Goods, Articles, and Things shall not be redeemed within *Twenty-one* Days after the Seizure thereof, the same shall be appraised and sold, and after deducting the Costs of such Seizure, Detention, and Sale, all such Sums as shall be due in respect of such Toll or Rates shall be satisfied thereout, and the Overplus paid to the Owner in like Manner as the Law directs in Cases of Distress for Rent in arrear.

Commissioners to make Byelaws.

7. It shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, in addition to the Powers already vested in them, from Time to Time to make such Byelaws, Rules, Orders, and Regulations, not being contrary to any Law or Statute in force in Ireland, as to them shall seem meet and proper, according to the Circumstances of every Case, for better carrying into effect the Purposes of this Act, or in any Manner relating thereto, and from Time to Time to alter or repeal all or any of such Byelaws, Rules, Orders, or Regulations, and to make others, and to impose such Fines and Penalties, not exceeding the Sum of *Five Pounds*, upon all Persons offending against any of such Byelaws, Rules, Orders, or Regulations, as to the said Commissioners shall seem reasonable; and all such Byelaws, Rules, Orders, and Regulations shall be reduced into Writing, and signed by the said Commissioners, or any Two or more of them; and a Copy thereof, signed by the said Commissioners, shall be deposited with the Clerk of the Peace of the County of Dublin, and the same shall be kept with the Records of the said County; and a printed or painted Copy of such of the said Byelaws, Rules, Orders, or Regulations as shall subject any Person, not being an Officer or Servant of the said Commissioners, to any Fine or Penalty, shall be exhibited on Boards or otherwise within the Limits of the said Harbour; and such Byelaws, Rules, and Orders shall be binding upon and shall be observed by all Persons whomsoever: Provided, that all such Byelaws, Rules, Orders, and Regulations be approved of and confirmed by the Lord Lieutenant or other Chief Governor or Governors of Ireland in Council, by Writing under his or their Hands.

Copies of Byelaws to be Evidence.

8. Provided always, That in all Cases of Prosecution for any Offence or Offences against any of the Byelaws, Rules, Orders, and Regulations of the said Commissioners, the Production of a Book or Document purporting to contain the Byelaws, Rules, Orders, or Regulations of the said Commissioners, and authenticated by the Signatures of any Two or more of the said Commissioners, or by the Signature of their Secretary for the Time being, shall be conclusive Evidence of the Existence of such Byelaws, Rules, Orders, or Regulations.

Illegitimate Children (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 25 & 26 Vict. c. 83.

Tenth Section of recited Act repealed; Sect. 1.

Board of Guardians may recover Cost of Maintenance of illegitimate Child; 2.

Petty Sessions Clerk shall furnish to Board of Guardians, or putative Father, Copy of Information; such Copy to be received in Evidence; 3.

Civil Bill to be heard by Chairman of Quarter Sessions; 4.

This Act incorporated with recited Act; 5.

SCHEDULE.

A

BILL

TO

Amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain Cases in Ireland.

WHEREAS an Act was passed in the Twenty-fifth and Twenty-sixth Years of Her Majesty, Chapter Eighty-three, intituled "An Act to amend the Laws in force "for the Relief of the Destitute Poor in Ireland, and to continue the "Powers of the Commissioners:" And whereas it is expedient to amend the Provisions of the said recited Act with respect to the Recovery of the Cost of the Maintenance of any illegitimate Child from its putative Father during the Time that such Child is in receipt of Relief from the Poor Rates and while under the Age of Fourteen: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.
25 & 26 Vict. c. 83.

1. From and after the *passing of this Act* the Tenth Section of the said recited Act shall be and the same is hereby repealed, except as to anything heretofore done under it, and except so far as may be necessary for the Purpose of supporting and continuing any Proceeding taken before the passing of this Act; and it is declared, that, notwithstanding

Tenth Section of recited Act repealed.

withstanding such Repeal, any Decree made under the said Section by any Chairman of Quarter Sessions shall be good and valid, and capable of being enforced as an ordinary Civil Bill Decree for a Debt.

Board of Guardians may recover Cost of Maintenance of illegitimate Child.

2. It shall be lawful for the Board of Guardians of any Union to recover, by Civil Bill Process at their own Suit, the Cost of the Maintenance of any illegitimate Child during the Time that such Child, while under the Age of *Fourteen* Years, has been in receipt of Relief from the Poor Rates since the passing of the said recited Act, from the putative Father of such Child: Provided always, that no Person shall be sued by the said Board of Guardians as aforesaid, save such Person only as the Mother of such illegitimate Child shall have stated to be the Father of such Child, in a written Information in the Form to this Act annexed, or to the like Effect, made by her on Oath before One or more Justice or Justices of the Peace in Petty Sessions, or (if made in the Police District of Dublin Metropolis) before One or more Divisional Justices within the said District, which Information the said Justice or Justices are hereby authorized to take.

Petty Sessions Clerk shall furnish to Board of Guardians, or putative Father, Copy of Information; such Copy to be received in Evidence.

3. Upon such Information having been sworn the Petty Sessions Clerk or the Chief Clerk to said Divisional Justices shall retain and preserve the same amongst the Records of such Petty Sessions or Police Court, and shall furnish to the Board of Guardians and to the putative Father of such Child, upon their or his Application for the same respectively, a certified Copy, under the Hand of such Petty Sessions Clerk or Chief Clerk, of such Information; and any such certified Copy shall be received in Evidence in any Court as a Proof that such Information was made.

Civil Bill to be heard by Chairman of Quarter Sessions.

4. The Civil Bill herein-before mentioned shall be served together with a Copy of the said Information, and shall be heard and determined as an ordinary Civil Bill for a Debt by the Chairman of Quarter Sessions or other Judge having Jurisdiction to hold a Court for hearing Civil Bills; and such Civil Bill shall be subject to all the Provisions, Rules, and Regulations affecting an ordinary Civil Bill for a Debt and the Proceedings thereunder, including the Right of Appeal: Provided always, that such Chairman or Judge shall not pronounce a Decree upon such Civil Bill unless the Mother of the Child shall have been examined before him, and her Statement as to the Defendant being the Father of the Child shall have been supported by corroborative Evidence.

This Act incorporated with recited Act.

5. This Act shall be deemed to be incorporated with the said recited Act, and shall be construed as if the said recited Act (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act.

SCHEDULE.

Form of Information.

Petty Sessions, District of
County of

The Information of residing at in the County of who saith on Oath that she is the Mother of an illegitimate Child, called or known by the Name of and that one of in the County of is the Father of such Child.

Taken before this Day of in the Year Eighteen hundred and sixty- at in the said County.

Signed
Justice of the said County.

Illegitimate Children (Ireland).

A

B I L L

To amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain Cases in Ireland.

(*Prepared and brought in by*
Sir Robert Peel and Mr. Bruce).

Ordered, by The House of Commons, *to be Printed,*
10 *February* 1863.

[Bill 13.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

ILLEGITIMATE CHILDREN (IRELAND) BILL.

Note.—*The Page and Line refer to the Bill* (17.) *as printed by the Lords.*

Page 2.

Line 8. After ("been") insert ("or shall be")

Line 13. Leave out ("a written Information") and insert ("an Affidavit")

Line 14. and Line 15. Leave out ("made by her on Oath") and insert ("sworn to by her")

Line 18. Leave out ("Information") and insert ("Affidavit")

Line 19. After ("take") insert ("on the Application of the Guardians")

Leave out Clause 3. and insert Clauses (A.) and (B.)

Clause (A.) If the Mother, on being required by the Guardians, shall refuse to attend before the said Justice or Justices, it shall be lawful for the said Justice or Justices, upon the Application of the Guardians, to issue a Summons to her to appear before him or them, and to examine her, and take her Depositions respecting the Paternity of such Child, as nearly as may be in the Form of Affidavit to this Act annexed; and such Affidavit or Depositions shall be delivered by the said Justice or Justices to the Board of Guardians upon whose Application the same shall have been sworn or taken.

Clause (B.) In case the Mother shall not appear in obedience to such Summons, or shall refuse to answer such Questions as shall be put to her by the said Justice or Justices concerning the Particulars herein-before mentioned, such Mother shall be liable to the like Penalties as a Witness refusing to be examined in any Case of Summary Jurisdiction.

At the Commencement of Clause 4. insert ("At the Time when "the Process or")

Line 29. Leave out ("shall be") and insert ("is"), and leave out from ("served") to ("shall") in Line 30, and insert ("a Copy of the aforesaid Affidavit or Depositions, as the Case may be, certified under the "Hand of the Clerk to the said Guardians, shall "also be served on the Defendant, and the Matter")

Page 3.

Line 4. After ("Child") insert Clause (C.)

Clause (C.) Nothing herein contained shall authorize any Board of Guardians to proceed against any Person alleged in any such Affidavit or Depositions to be the Father of an illegitimate Child, if such Person shall, previous to the Hearing of such Civil Bill, pay to the Clerk to the Board of Guardians proceeding against him the Amount claimed by such Guardians in such Civil Bill for the Maintenance of such Child, together with the Costs theretofore incurred in such Proceeding; and the said Clerk is hereby authorized to receive and give a Receipt for the same, and such Receipt shall be received in Evidence by any Court as a Proof that such Payment was made: Provided always, that in any subsequent Proceedings by the Guardians for the Recovery from such Person of the Costs of Maintenance of the same Child, such Payment shall be deemed conclusive Evidence, without further Proof that such Person is the Father of such Child.

Leave out the Schedule, and insert the following Schedule in lieu thereof:—

SCHEDULE.

Form of Affidavit.

Petty Sessions, District of
County of

The Information of *Anne O'Brien*, residing at *Clonmel Workhouse* in the County of *Tipperary*, who saith on Oath that she is the Mother of an illegitimate Child called or known by the Name of *John Ryan*, and that the said Child was born at *Cashel* on or about the *Second* Day of *May* in the Year Eighteen hundred *and sixty-two*, and that one *James Ryan*, of *Cashel* in the County of *Tipperary*, is the Father of such Child, and that within Ten Months previous to the Birth of such Child she was residing at *Cashel* in the County of *Tipperary*, as a *Servant* with *Michael Hayes*.

Sworn before this Day of in the Year Eighteen hundred and sixty- at in the said County.

Signed

Justice of the said County.

(*The Words in Italics to be filled in according to the Facts.*)

LORDS AMENDMENTS

TO THE

ILLEGITIMATE CHILDREN (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed,*
22 *April* 1863.

[Bill 87.]

Under 1 *oz.*

12 *March* 1863. 26 Vict.

A

BILL

TO

Authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.

Preamble.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Eighteenth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inclosures in Schedule may be proceeded with.

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title.

2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Annual Inclosure Act, 1863," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHE-

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Meliden	Flint	13th March 1862.
Chelmarsh Common	Salop	1st September 1862.
Steeple Langford	Wilts	1st September 1862.
Bishops Waltham	Southampton	5th June 1862.
East Clandon	Surrey	1st September 1862.
Llysfaen	Carnarvon	12th December 1861.
Sandhill Heath	Southampton	20th November 1862.
Saint Davids	Pembroke	20th November 1862.
Corpustye	Norfolk	4th December 1862.
Grayrigg	Westmorland	23d December 1862.
Lambrigg and Docker	Westmorland	23d December 1862.
Ewerby Waith	Lincoln	15th December 1862.
Ockham	Surrey	23d December 1862.
Swaffham	Norfolk	15th January 1863.

310

17 *June* 1863. 26 Vict.

A

BILL

TO

Authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, "Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Eighteenth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with. Inclosures in Schedule may be proceeded with.

2. In

Short Title.

2. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1862," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
North Nibley - - -	Gloucester - -	23rd December 1862.
Cockfield Fell - -	Durham - -	15th December 1862.
Albury - - -	Hertford - -	22nd January 1863.
Cotherstone Moor - -	York - -	23rd December 1862.
Baxterley Commons - -	Warwick - -	26th February 1863.
Ywchcoed - - -	Radnor - -	1st January 1863.
Minsterworth - - -	Gloucester - -	12th February 1863.
Westhope Hill - -	Hereford - -	23rd December 1862.
Rhysllyn - - -	Radnor - -	1st January 1863.
Llangwm - - -	Denbigh - -	1st January 1863.
Bettws-gwerfil-goch - -	Denbigh - -	1st January 1863.
Mosser - - -	Cumberland - -	30th April 1863.
North Moor and South Moor -	Somerset - -	30th April 1863.
Llanfihangel-glyn-Myfir -	Denbigh and Merioneth	1st January 1863.
Akeld and Humbleton - -	Northumberland -	30th April 1863.
Bisley - - - -	Gloucester - -	16th May 1861.
Llandewi-brefi - -	Cardigan - -	14th November 1861.
Holt - - - -	Wilts - - -	4th June 1863.
Stanstead Marsh - -	Hertford - -	4th June 1863.
The Rye Meads - -	Hertford - -	4th June 1863.
Castle Mead or Causeway Mead	Hertford - -	9th June 1863.

6 *July* 1863. 26 & 27 VICT.

A

BILL

TO

Give further Facilities to the Holders of India Stock.

WHEREAS the Secretary of State in Council of India is empowered, under the Provisions of certain Acts of Parliament passed in the Sessions holden in the Twenty-second and Twenty-third, Twenty-third and Twenty-fourth, Twenty-fourth and Twenty-fifth Years of the Reign of Her Majesty respectively, to raise Money in the United Kingdom, not exceeding such Amount as is in the said Acts prescribed, and is further empowered, upon or for the Repayment of any Principal Money secured under the Authority of the said Acts respectively, to borrow or raise by the like Method all or any Part of the Amount of Principal Money so repaid or to be repaid: And whereas Capital Stock has been and may be from Time to Time created and issued under the Authority of the said Acts respectively, and it is expedient to give further Facilities to the Holders of such Stock in respect of the Transfer thereof, and the Receipt of the Dividends thereon: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

22 & 23 Vict. c. 39.
23 & 24 Vict. c. 130.
24 & 25 Vict. c. 25.

Short Title of Act.

1. This Act may be cited for all Purposes as "The India Stock Certificate Act, 1863."

Definitions.

2. In this Section and elsewhere in this Act the following Expressions have the Meanings here assigned to them:

"The Bank" shall, with reference to the Stocks created and issued under the said Acts transferable at the Bank of England, and Certificates issued under this Act in respect thereof, and the Coupons of such Certificates, mean the Governor and Company of the Bank of England, and shall, with reference to the said Stocks transferable at the Bank of Ireland, and Certificates issued under this Act in respect thereof, and the Coupons of such last-mentioned Certificates, mean the Governor and Company of the Bank of Ireland:

"India Stock" shall mean any Stocks which have been or may be created and issued under the Acts aforesaid, transferable in the Books of the Bank, and "Share in India Stock" shall include any Part of a Share:

"Person" shall include Corporation.

Right to Certificate of Title to India Stock.

3. With the Exception and subject to the Conditions herein-after mentioned, every Person who now is or may hereafter be inscribed in the Books of the Bank of England or of the Bank of Ireland as Proprietor of a Share in India Stock may obtain a Certificate or Certificates of Title to the said Share or to any Part thereof, having annexed Coupons entitling the Bearer to the Dividends payable in respect of that Share or Part of a Share.

Restriction as to Trustees taking Certificates of Title.

4. No Trustee of any Share in the said Stock shall apply for or hold a Certificate of Title to that Share, unless he is authorized so to do by the Terms of his Trust; and any Contravention of this Section by a Trustee shall be deemed to be a Breach of Trust, and be punishable accordingly; nevertheless, this Section shall not impose on the Bank any Obligation to inquire whether a Person applying for a Certificate of Title under this Act is or not a Trustee, nor subject them to any Liability in the event of their granting a Certificate of Title to a Trustee, nor invalidate any Certificate of Title if granted.

General Provisions as to Certificates of Title.

5. No Certificate shall be granted in respect of any Sum of Stock being other than *One hundred*, or *Five hundred*, or *One thousand* Pounds.

The Coupons annexed to an India Stock Certificate shall comprise the Dividends payable in respect of the Stock described in the Certificate. At the Expiration of the Period for which the Coupons shall have been issued fresh Coupons shall be issued for further successive

Periods during the Continuance in force of the Stock Certificate; but the Bank may, if they think fit, in lieu of issuing fresh Coupons in respect of a Certificate, give in exchange a fresh Certificate with Coupons attached thereto.

Coupons shall be payable at the chief Establishment of the Bank at the Expiration of *Three* clear Days from the Day of Presentation.

The Payment to the Bearer of any Coupon of the Amount expressed therein shall be a full Discharge to the Bank of all Liability in respect of that Coupon and the Dividend represented thereby.

If any India Stock Certificate or Coupon issued under this Act is lost or destroyed, and such Loss or Destruction proved in such Manner as may from Time to Time be directed by the Bank, the Bank shall grant a new Certificate or Coupon, on receiving Indemnity to their Satisfaction against the Claims of all Persons deriving Title under the Certificate or Coupon so lost or destroyed.

No Notice of any Trust in respect of any Stock Certificate or Coupon issued under this Act shall be receivable by the Bank.

An India Stock Certificate shall entitle the Bearer to the Stock therein described, and shall be transferable by Delivery.

Reconversion of the Certificate to Stock.

6. The Bearer of an India Stock Certificate may, on Delivery up to the Bank of his Certificate and of all unpaid Coupons belonging thereto, and on Compliance with any Regulation made in pursuance of this Act, require to be registered in the Books of the Bank as a Holder of the Stock described in the Certificate under which he derives Title, and thereupon the Stock shall be re-entered in the Books kept by the Bank for the Entry of transferable Stock, and become transferable, and the Dividends payable, as if no Certificate had been issued in respect of such Stock.

Fees in respect of Dealings with Stock under this Act.

7. No Fees shall be charged on the Grant of a Stock Certificate to Bearer in exchange for a like Certificate, but there shall be charged, with respect to the several other Proceedings in relation to Stock authorized by this Act, the Fees specified in the Schedule hereto, or such less Fees as may be determined by the Secretary of State in Council.

All Fees received in pursuance of this Act shall be paid to the "Account of the Secretary of State for India in Council of India."

No Stamp Duty shall be payable in respect of any Certificate or Coupon issued in pursuance of this Act.

Remuneration to the Bank.

8. *There shall be paid to the Bank of England, by the Secretary of State in Council, on account of the additional Trouble, Expense, and Responsibility, if any, imposed on it by this Act, in addition to the*

the Remuneration otherwise payable to it in respect of the Management of the Indian Debt, such Remuneration as may be agreed upon between the Bank of England and the said Secretary of State in Council.

General Regulations with respect to Certificates of Title.

9. The Bank of England and the Bank of Ireland, with the Sanction of the Secretary of State in Council, may from Time to Time issue any Forms that may be required for carrying into effect the Provisions of this Act, and also from Time to Time make any Regulations that are not inconsistent with this Act relative to the following Things:

1. The Time for which Coupons are to be given.
2. The Authority under which and the Mode in which the Bank is to act in issuing India Stock Certificates, or registering in their Books the Holders of such Stock Certificates, or taking any other Proceedings in relation to India Stock authorized to be taken under this Act.
3. The Mode of proving the Title of or identifying any Person applying for an India Stock Certificate, or deriving any Title under a Stock Certificate issued under this Act.
4. With respect to any other Matter necessary to carry this Act into effect.

And any Regulation so made shall be deemed to be Part of this Act, in the same Manner as if it were herein enacted.

Income Tax.

10. The Income Tax shall be deducted from any Coupons payable under this Act in the same Manner and subject to the same Regulations in and subject to which it may, in pursuance of any Law for the Time being in force, be deducted from the Dividends payable at the Bank in respect of the Stock of Proprietors inscribed in the Books of the Bank.

Unclaimed Dividends.

11. All Sums due and not demanded on any Coupons issued under this Act shall for all Purposes be dealt with as if they were Dividends due and not demanded in respect of the Stock of Proprietors inscribed in the Books of the Bank.

Saving Clause as to Stock.

12. When any Certificate of Title issued under this Act in respect of any Share in India Stock is outstanding, the Stock represented thereby shall cease to be transferable in the Books of the Bank.

Save in so far as relates to the Mode of Transfer and Payment of Dividends thereon, any India Stock described in a Stock Certificate issued under this Act shall be deemed to be charged on the same Securities, and to be subject to the same Powers of Redemption and to the same Incidents in all respects, including the Remuneration payable to the Bank as if it had continued registered in the Books of the Bank as Stock transferable therein.

Punishment of Forgery.

13. Whosoever shall forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any India Stock Certificate or Coupon, or any Document purporting to be any India Stock Certificate or Coupon issued in pursuance of this Act, or shall demand or endeavour to obtain or receive any Share or Interest of or in India Stock, or to receive any Dividend or Money payable in respect thereof, by virtue of any such forged or altered Certificate or Coupon, or Document purporting as aforesaid, knowing the same to be forged or altered, with Intent in any of the Cases aforesaid to defraud, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than *Three* Years, or to be imprisoned for any Term not exceeding *Two* Years, with or without Hard Labour, and with or without Solitary Confinement.

Punishment of Personation.

14. Whosoever shall falsely and deceitfully personate any Owner of any Share or Interest of or in India Stock, or of any India Stock Certificate or Coupon issued in pursuance of this Act, and shall thereby obtain or endeavour to obtain any such India Stock Certificate or Coupon, or receive or endeavour to receive any Money due to any such Owner, as if such Offender were the true and lawful Owner, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than *Three* Years, or to be imprisoned for any Term not exceeding *Two* Years, with or without Hard Labour, and with or without Solitary Confinement.

Punishment of engraving, &c.

15. Whosoever, without lawful Authority or Excuse, the Proof whereof shall lie on the Party accused, shall engrave or make upon any Plate, Wood, Stone, or other Material any India Stock Certificate or Coupon purporting to be an India Stock Certificate or Coupon issued or made under and in pursuance of this Act, or to be a blank India Stock Certificate or Coupon issued or made as aforesaid, or to be a Part of such a Stock Certificate or Coupon, or shall use any such Plate, Wood, Stone, or other Material for the making or printing any such India Stock Certificate or Coupon, or any such blank India Stock Certificate or Coupon, or any Part thereof respectively, or knowingly have in his Custody or Possession any such Plate, Wood, Stone, or other Material, or shall knowingly offer, utter, dispose of, or put off, or have in his Custody or Possession, any Paper upon which any such blank India Stock Certificate or Coupon, or Part of any such India Stock Certificate or Coupon, shall be made or printed, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding *Fourteen* Years and not less than *Three* Years, or to be imprisoned for any Term not exceeding *Two* Years, with or without Hard Labour, and with or without Solitary Confinement.

Signature and Counter-Signature of Documents in the Department of the Secretary of State for India.

16. And whereas it is expedient that there should be Uniformity of Practice in respect of the Signature and Counter-Signature of Documents by the Secretary and Under Secretaries of State and Members of the Council of India: Be it enacted, That wherever, by reason of the Provisions of any Act of Parliament or otherwise, it is required that any Deeds, Contracts, Bonds, Debentures, Cheques, Drafts, or Orders for Money, or other Documents, shall be signed by any Number of Members of the Council of India, and countersigned by the Secretary of State or One of his Under Secretaries, any such Deed, Contract, Bond, Debenture, Cheque, Draft, or Order for Money, or other Document, may be signed by Two Members of the said Council, and countersigned by the Secretary of State or One of his Under Secretaries, or by his Assistant Under Secretary.

SCHEDULE.

Schedule of Fees.

On the Issue of an India Stock Certificate, a Fee not exceeding *Five Shillings* on every Hundred Pounds of Stock included in the Certificate.

On the Registration in the Books of the Bank of the Stock included in an India Stock Certificate, a Fee not exceeding *Five Shillings.*

India Stock.

A

BILL

To give further Facilities to the Holders of India Stock.

(*Prepared and brought in by*
Sir Charles Wood and Mr. Baring.)

Ordered, by The House of Commons, *to be Printed,*
6 *July* 1863.

[Bill 212.]

Under 1 *oz.*

28 *April* 1863. 26 VICT.

A

BILL

FOR

Granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted: And be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after the *Fifth Day of July One thousand eight hundred and sixty-three* there shall be charged and paid for a Licence to be taken out yearly by or on behalf of any Club or Association occupying a House of the Rent or Value of *One hundred Pounds* a Year, to authorize the selling and supplying by Retail to the Members of such Club

Clubs to be licensed for the selling of exciseable Liquors &c. to their Members.

Club or Association, of Beer, Wine, Spirits, and all other Liquors, for the selling whereof an Excise Licence is required by Law to be taken out, and also Tobacco, the following Duties of Excise; (that is to say,)

	£.	*s.*	*d.*
For a Licence to authorize the selling and supplying of Beer, Wine, Spirits, and all other such Liquors as aforesaid, and also Tobacco, the Excise Duty of -	*17*	*1*	*0*
And *5 per Cent.* thereon.			
And for a Licence to authorize the selling and supplying of Beer and Tobacco only - - - - -	*3*	*10*	*0*
And *5 per Cent.* thereon.			

And every such Licence shall be taken out by and in the Name of the Secretary, Steward, or Manager of such Club or Association for and on the behalf of the same.

Penalty on Managers of Clubs for omitting to take out Licences.

2. If in the House or Premises occupied or used by any such Club or Association as aforesaid for the Entertainment or Refreshment of the Members thereof any Beer, Wine, Spirits or other such Liquors as aforesaid, or any Tobacco, shall be sold or supplied in return for Payment by or on the Behalf of such Club or Association, either to any Member thereof or to any other Person, no Licence having been taken out as by this Act is required in that Behalf, the Secretary of the said Club or Association, or the Steward thereof, or the Person or Persons having the Management thereof, shall be deemed to be the Person selling or supplying such Liquors or Tobacco, and shall for every such Offence forfeit the Sum of *One hundred Pounds;* and if there shall be several Persons acting in the several Capacities of such Secretary, Steward, and Manager as aforesaid, all and every of them shall be subject and liable to the said Penalty, and it shall be lawful to prosecute for and recover the same by Information against any One of them, or against any Two or more of them jointly.

No Certificate or Licence from Justices required.

Provisions of Police Acts not to apply.

3. No Licence, Certificate, or other Authority from any Justice of the Peace, Magistrate, or other Person shall be requisite or necessary to authorize the granting of any such Licence as aforesaid to the Secretary, Steward, or Manager of any such Club or Association, nor shall any Club or Association, or the House or Premises of any Club or Association, or any Person to whom any such Licence may be granted, be or become by reason of the taking out of the same, subject to the Provisions, Regulations, or Penalties of any former Act or Acts for regulating the Sale by Retail of Beer, or of Wine or Spirits, or other exciseable or fermented or distilled Liquors, or for regulating Inns, Alehouses, Public Houses or Victualling Houses, or other Houses or Places licensed for the Sale by Retail of Beer, Wine, Spirits or other exciseable or fermented or distilled Liquors, in England, Scotland, or Ireland, anything in any former Act or Acts to the contrary notwithstanding: Provided always, that nothing herein contained shall extend or be construed to exempt from any of the Provisions, Regulations, or Penalties aforesaid any Person, or the House or Premises of any Person, who by reason of his selling, trading, or dealing in any exciseable or fermented or distilled Liquors would be subject or liable to such Provisions, Regulations, or Penalties if this Act had not been passed, although he may have obtained and may trade or deal under colour of a Licence granted under this Act.

Excepting Persons who would be subject to such Provisions if this Act had not passed.

4. From and after *the passing of this Act* any Person who, in England or Ireland, shall have taken out an Excise Licence to sell strong Beer in Casks containing not less than *Four and a half Gallons* or in not less than *Two Dozen* reputed Quart Bottles at One Time, to be drunk or consumed elsewhere than on his Premises, may take out an additional Licence on Payment of the Excise Duty of *One Pound One Shilling, and Five per Cent. thereon;* and the same shall authorize such Person to sell Beer in any less Quantity and in any other Manner than as aforesaid, but not to be drunk or consumed on the Premises where sold; and such additional Licence shall be granted without the Production of any Certificate or the Possession of any other Qualification than the Licence herein first mentioned.

Licensed Beer Dealers may take out additional Licence to sell Beer by Retail not to be consumed on the Premises.

5. From and after the *Tenth Day of October One thousand eight hundred and sixty-three* there shall be charged and paid for, and upon every Excise Licence to be taken out by any Person who in England or Ireland shall be duly authorized by Justices of the Peace to keep a Common Inn, Alehouse, or Victualling House, and who shall sell Beer, Cyder, or Perry by Retail, to be drunk or consumed in his, her, or their House or Premises, and who shall not take out a Licence to retail Spirits, the Excise Duty of *Three Pounds Three Shillings, and Five per Cent. thereon*, in lieu of the Duty now payable on such Licence to retail Beer.

Duty on Retail Beer Licences taken out by Licensed Victuallers who do not sell Spirits.

6. Every Person who shall in Ireland sell Beer, Cider, or Perry by Retail, that is to say, in any Quantity less than *Four and a Half Gallons* or in less than *Two Dozen* reputed Quart Bottles, at One Time, without having an Excise Retail Licence in force authorizing him so to do, shall for every such Offence forfeit the Sum of *Twenty Pounds.*

Penalty on Persons selling Beer by Retail in Ireland without Licence.

7. The Duties of Excise on Sugar made in the United Kingdom, specified in Schedule (B.) of the Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Sixty-one, shall

Excise Duty on Sugar made in United Kingdom continued to 1st August 1864.

shall be continued, and be levied and charged until the *First Day of August One thousand eight hundred and sixty-four.*

Charging of Excise Duty on Sugar used in brewing, deferred until 1st August 1864.

8. And whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign, Chapter Twenty-two, the charging of the said Duty was deferred until the First Day of July One thousand eight hundred and sixty-three, and it is expedient to further defer the same: Be it enacted, That the charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the *First Day of August One thousand eight hundred and sixty-four.*

Lower Rates of Duty on Stage Carriages licensed to carry not more than Eight Persons.

9. From and after *the passing of this Act* the Duties now payable by Law for and in respect of the Licences and Stage Carriages hereinafter in this Clause described shall be reduced, and in lieu of the said Duties now payable as aforesaid there shall be charged and paid in Great Britain for and in respect of every original Licence, to be taken out yearly, to keep, use, or employ a Stage Carriage which shall be licensed to carry not more than *Eight* Passengers at One Time, the Duty of *Ten Shillings;* and for and in respect of every Supplementary Licence for the same Carriage which shall be taken out in any Case allowed by Law during the Period for which such original Licence was granted, the Duty of *Sixpence;*

And for and in respect of every Mile which any such Stage Carriage as aforesaid shall be licensed to travel, the Duty of *One Halfpenny.*

Penalty on Persons licensed to keep a Stage Carriage under this Act carrying a greater Number of Passengers than allowed by Licence.

10. If any Person who shall have obtained a Licence under this Act to keep, use, and employ a Stage Carriage constructed to carry not more than *Eight* Passengers at One Time shall carry or convey in or upon such Carriage more than *Eight* Passengers at One Time, he shall for every such Offence forfeit the Sum of *Ten* Pounds; and every Person who shall be carried or conveyed in or upon any such Carriage (except the Driver thereof) shall be deemed to be a Passenger conveyed for Hire at a separate Fare.

Occasional Licences may be granted for Carriages conveying Passengers

11. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall deem it to be necessary for the Accommodation of the Public, to grant to any Person an occasional Licence to use a Carriage for the Conveyance of Passengers at separate Fares for One Day, or for any longer Period not exceeding *Six* Days in the

whole

at separate Fares.

whole, on Payment of the following Duties for and in respect of such Licence; (that is to say,)

For a Licence for One Day only:	£	s.	d.
For a Carriage drawn by One Horse only - - -	*0*	*3*	*0*
For a Carriage drawn by Two Horses and no more	*0*	*5*	*0*
For a Carriage drawn by more than Two Horses -	*0*	*10*	*0*

And where any such Licence shall be granted for a longer Period than One Day there shall be charged and paid for the same the further Duty of *One Half* of the before-mentioned Rates respectively for every Day after the first, in addition to the Rate payable for One Day.

Such occasional Licences to be granted, and the Carriages used under such Regulations as the Commissioners may prescribe.

12. Every such occasional Licence to use a Carriage for the Purpose aforesaid shall be granted under and subject to such Conditions, Rules, and Regulations as the Commissioners of Inland Revenue shall prescribe in that Behalf, and the Carriage for which such Licence shall be granted shall be designated in such Manner as the said Commissioners shall require or direct; and in default of complying with any such Rule, Regulation, or Direction the Person to whom such Licence shall be granted shall forfeit the Sum of *Ten Pounds.*

Stage Carriage Licences to expire on the First Sunday in November in each Year.

13. Whereas by the Law in force Licences to keep, use, and employ Stage Carriages expire on the First Sunday in the Month of October in each Year, and it is expedient to alter the Time of the Expiration thereof: Be it enacted, That all such Licences taken out after the passing of this Act shall (except in the Cases herein-after provided for) expire on the First Sunday in the Month of *November* in each Year; and every Licence which shall be taken out after the First Sunday in the Month of *November* in any Year, and before the First Day of *December* in the same Year, shall be dated on the First Monday in *November* in the Year in which the same shall be granted; and if taken out on or at any Time after the First Day of *December* in any Year, shall be dated on the Day when the same shall be granted; and every Licence to use a Stage Carriage in force at the Time of the *passing of this Act* shall continue in force until the First Sunday in the Month of *November* next after the passing hereof, and the Holder of such Licence shall be liable to and chargeable with the Payment of the same Rate and Amount of Duties as are chargeable upon him according to the Terms of such Licence until the said First Sunday in the last-mentioned Month of *November*, unless such Licence shall be sooner discontinued.

Stage Carriage Licences

14. Provided always, That it shall be lawful for any Person to take out a Licence to keep, use, and employ a Stage Carriage for the may be taken out for One Quarter of a Year.

Not to supersede 6 Geo. 4. c. 81. s. 17. as to granting Licences for the Remainder of a current Year.

Conveyance of Passengers at separate Fares for the Period of Three Months only, commencing on any of the several Quarter Days following, (that is to say,) the First Day of *April*, the First Day of *July*, the First Day of *October*, and the First Day of *January* in any Year, paying for such Licence *One Fourth* Part of the Duty which would be payable for the granting of such Licence for One whole Year; provided also, that nothing in this Act contained shall extend or be construed to repeal or supersede the Provisions of the Seventeenth Section of the Act passed in the Sixth Year of King George the Fourth, Chapter Eighty-one, authorizing the granting of Excise Licences for the Remainder of a current Year, but that such Provisions shall be deemed to apply and shall be observed with regard to Stage Carriage Licences for the Remainder of any Year ending on the First Sunday in November; and the several Quarters corresponding with the Termination of such Year shall be deemed to consist of *Ninety-one* Days.

Stage Carriage Licences may be transferred when the original Holder discontinues Business during the Currency of the Licence.

15. When any Person to whom any Licence shall have been granted for or in respect of any Stage Carriage shall discontinue the Business in relation to such Stage Carriage, it shall be lawful for the proper Officer or Officers of Excise, upon Payment of all Duty in arrear due from the Person to whom the Licence was granted, to transfer such Licence to any other Person to whom the original Holder thereof shall assign his Interest therein; and the Person to whom such Licence shall be so transferred shall thereupon be liable to and chargeable with the Payment of the Duty which shall accrue or become payable under such Licence, or in respect of the Stage Carriage to which the same shall relate, and shall also be liable to all other the Provisions and Regulations contained in any Act relating to Stage Carriages in the same Manner as if such last-mentioned Person had duly obtained a Licence in his own Name for the keeping, using, and employing of such Stage Carriage: Provided always, that the original Holder of such Licence shall indorse in Writing upon the Back thereof the Name of the Person to whom he assigns his Interest therein, and shall sign his own Name to such Indorsement.

5 & 6 Vict. c. 79. s. 4.

Accounts of Sums received for the Convey-

16. Whereas by the Fourth Section of the Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Seventy-nine, the Proprietor or Company of Proprietors of every Railway in Great Britain, and other Persons therein named, are required to keep and render certain Accounts as therein mentioned, and it is expedient to alter the Period for which such Accounts are directed to be made up, and the Time of delivering the same: Be it enacted, That the Proprietor or Company of Proprietors of every Railway in Great Britain, and the Persons required by Law to keep such Accounts as aforesaid, shall deliver to the Commissioners of Inland Revenue or to the proper Officer appointed for receiving the same, within *Twenty Days* after the Termination of every Calendar Month, a true Copy or true Copies of the Accounts of all Sums of Money received or charged and paid or accounted for, as in the said Act is mentioned, during the whole of the Calendar Month last preceding; and all the Provisions and Regulations contained in the said Act with regard to the Accounts therein directed to be rendered, and all Bonds and Securities entered into or given or to be entered into or given with relation thereto, shall apply, continue, and be in force as well with respect to any Surety as to the Principal in any such Bond, and to the Accounts to be kept and rendered at the Time and in the Manner by this Act directed, and the Duties payable in respect thereof.

ance of Passengers upon Railways to be made up at the Close of each Calendar Month.

Authority to exercise several Trades may be contained in One Excise Licence.

17. Whereas under the Laws of Excise now in force separate and distinct Licences are granted to the same Person to exercise several Trades in the same House and Premises, and it is expedient that the Authority to exercise Two or more of such Trades should be combined in One Licence: Be it enacted, That, whenever any Person shall intend to carry on Two or more Trades under the Excise Laws in the same House or Premises the Licences for which several Trades would expire by Law at the same Time, it shall be lawful for the Commissioners of Inland Revenue, in such Cases as they shall think fit, to authorize the exercising of the said several Trades by One Licence for that Purpose on Payment of the Amount of the several Duties chargeable for several Licences to exercise the same Trades respectively.

Penalty for giving more than One Shipping Notice for the same Goods exported and for claiming Drawback more than once.

18. If any Person who shall have given Notice of his Intention to ship any Goods or Commodities for Exportation on Drawback, shall give another such Notice in respect of the same Goods or Commodities, or shall claim the Drawback upon the same Goods and Commodities more than once, or shall pass any Account or do any Act for the Purpose of obtaining any further or greater Amount of Drawback upon any such Goods or Commodities than the Drawback payable by Law thereon, or whereby or by means or colour whereof any such further or greater Amount of Drawback than as aforesaid, may be obtained or claimed, he shall forfeit for every such Offence the Sum of *One hundred* Pounds, and *treble* the Amount of the Drawback unlawfully obtained or claimed, or which might be obtained or claimed by means or under colour of any such unlawful Act as aforesaid.

Goods shipped for Exportation

19. If any Goods or Commodities upon the Exportation of which a Drawback of Excise is payable shall after the same shall have been on Drawback not to be brought on shore, or the Packages opened or Marks thereon altered.

shipped on board any Vessel for Exportation be brought on shore, or if the Package or Packages in which any such Goods or Commodities shall be contained shall, after Shipment thereof as aforesaid, be opened, or the Marks, Letters, or Devices thereon be cancelled, obliterated, or altered without the Sanction of the Commissioners of Inland Revenue first had and obtained, all such Goods and Commodities and the Packages containing the same shall be forfeited, and may be seized by any Officer of Customs or Excise, and the Person or Persons who shall bring on shore such Goods or Commodities, or who shall open such Packages, or cancel, obliterate, or alter the Marks, Letters, or Devices thereon, or who shall be concerned in doing any of the said Acts, shall forfeit the Sum of *One hundred* Pounds.

Licences granted to Refreshment House Keepers to retail Foreign Wine to include the Sale of Sweets and Made Wines.

20. Every Licence taken out under the Provisions contained in the Two several Acts passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter Twenty-seven and Chapter One hundred and seven respectively, by a licensed Keeper of a Refreshment House, to sell therein by Retail Foreign Wine, to be consumed in such House or on the Premises belonging thereto, shall authorize and include the Sale of Sweets and Made Wines, Mead, and Metheglin, by Retail, to be consumed in the said House or on the said Premises.

In certain Cases exciseable Liquors may be sold under a Publican's occasional Licence after Sunset.

21. Whereas by the Thirteenth Section of the Act passed in the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign, Chapter Twenty-two, it is provided that no such occasional Licence as in the said Clause is mentioned shall authorize the Sale of Beer, Spirits, or Wine except during the Hours after Sunrise and before Sunset, and it is expedient to extend the Hours during which such Liquors may be sold under such Licence in the Cases herein-after mentioned: Be it enacted, That upon the Occasion of any public Dinner or Ball it shall be lawful for the Person who shall have obtained an occasional Licence under the Provisions of the said Act, to sell the said Liquors during such Hours before or after *Sunrise* or *Sunset* as shall be allowed and specified in that Behalf in the Consents to be given by the Justices of the Peace for the granting of such occasional Licence.

Twelfth Section of 25 & 26 Vict. c. 22. not to prohibit Persons licensed by the Excise from selling

22. Whereas by the Twelfth Section of the Act passed in the last Session of Parliament, Chapter Twenty-two, so much of any Act as permits the Sale of Beer, Spirits, or Wine at Fairs or Races without an Excise Licence was repealed: Be it enacted, That from and after the passing of this Act nothing in the last-recited Enactment contained shall extend to prohibit any Person duly licensed by the

Excise to retail Beer, Spirits, or Wine, as in the Eleventh Section of the Act passed in the Sixth Year of King George the Fourth is mentioned, from carrying on his Trade or Business for which he shall be so licensed in Booths, Tents, or other Places at the Time and Place and within the Limits of holding any lawful and accustomed Fair by virtue of any Law or Statute in that Behalf, or any public Races, in like Manner as such Person might lawfully have done under the said last-mentioned Act if the said Act of the last Session of Parliament had not been passed.

Beer, Spirits, or Wine at Fairs or Races.

Union Assessment Committee not to require the Production of Documents relating to the Assessment of the Income Tax on Concerns in the Nature of Trade.

23. Whereas the Assessment Committee provided for by "The Union Assessment Committee Act, 1862," are thereby empowered to require Assessors, Collectors, and other Persons therein mentioned to make and transmit Copies of or Extracts from the Books of Assessment of any Taxes or Rates in their Custody and to produce such Books as therein mentioned: Be it enacted, That nothing in the said Act contained shall extend to authorize or empower the said Committee to require any Assessor, Collector, or other Person employed in the Assessment or Collection of the Income Tax to make or transmit or to permit any other Person to make Copies of or Extracts from any Assessment, Rate, or Rate Book, or any Document relating to the Assessment or Collection of the Income Tax upon or in respect of any Quarries, Mines, Ironworks, Gasworks, or other Concerns in the Nature of Trade or Manufacture chargeable under Schedule (A.) of the Income Tax Acts, or to attend before the said Committee to produce any such Assessment, Rate, or Rate Book, or other such Document as aforesaid, or to be examined by or before such Committee touching or concerning the same.

Provisions of former Acts to apply to this Act.

24. All the Powers, Provisions, Clauses, Regulations, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, shall respectively be in full Force and Effect with respect to the said Rates and Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the Rates and Duties by this Act granted respectively.

Inland Revenue.

A

BILL

For granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue.

(Prepared and brought in by
Mr. Massey, Mr. Chancellor of the Exchequer,
and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed,*
28 *April* 1863.

[Bill 97.]

Under 2 oz.

1 *June* 1863. 26 Vict.

A

BILL

[AS AMENDED IN COMMITTEE, ON CONSIDERATION OF BILL AS AMENDED, AND ON RE-COMMITTAL]

FOR

Granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; Preamble.

1. From and after the passing of this Act any Person who, in England or Ireland, shall have taken out an Excise Licence to sell strong Beer in Casks containing not less than Four and a Half Gallons or in not less than Two Dozen reputed Quart Bottles at One Time, to be drunk or consumed elsewhere than on his Premises, may take out an

Licensed Beer Dealers may take out additional Licence to sell Beer by Retail not to be consumed on the Premises.

an additional Licence on Payment of the Excise Duty of One Pound One Shilling, and Five per Cent. thereon; and the same shall authorize such Person to sell Beer in any less Quantity and in any other Manner than as aforesaid, but not to be drunk or consumed on the Premises where sold; and such additional Licence shall be granted without the Production of any Certificate or the Possession of any other Qualification than the Licence herein first mentioned.

Duty on Retail Beer Licences taken out by Licensed Victuallers who do not sell Spirits.

2. From and after the Tenth Day of October One thousand eight hundred and sixty-three there shall be charged and paid for, and upon every Excise Licence to be taken out by any Person who in England or Ireland shall be duly authorized by Justices of the Peace to keep a Common Inn, Alehouse, or Victualling House, and who shall sell Beer, Cider, or Perry by Retail, to be drunk or consumed in his, her, or their House or Premises, and who shall not take out a Licence to retail Spirits, the Excise Duty of Three Pounds Three Shillings, and Five per Cent. thereon, in lieu of the Duty now payable on such Licence to retail Beer.

Penalty on Persons selling Beer by Retail in Ireland without Licence.

3. Every Person who shall in Ireland sell Beer, Cider, or Perry by Retail, that is to say, in any Quantity less than Four and a Half Gallons or in less than Two Dozen reputed Quart Bottles at One Time, without having an Excise Retail Licence in force authorizing him so to do, shall for every such Offence forfeit the Sum of Twenty Pounds.

Excise Duty on Sugar made in United Kingdom continued to 1st August 1864.

4. The Duties of Excise on Sugar made in the United Kingdom, specified in Schedule (B.) of the Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Sixty-one, shall be continued, and be levied and charged until the First Day of August One thousand eight hundred and sixty-four.

Charging of Excise Duty on Sugar used in brewing, deferred until 1st August 1864.

5. And whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign, Chapter Twenty-two, the charging of the said Duty was deferred until the First Day of July One thousand eight hundred and sixty-three, and it is expedient to further defer the same: Be it enacted, That the charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the First Day of August One thousand eight hundred and sixty-four.

6. From and after the passing of this Act the Duties now payable by Law for and in respect of the Licences and Stage Carriages hereinafter in this Clause described shall be reduced, and in lieu of the said Duties now payable as aforesaid there shall be charged and paid in Great Britain for and in respect of every original Licence, to be taken out yearly, to keep, use, or employ a Stage Carriage which shall be licensed to carry not more than Eight Passengers at One Time, the Duty of Ten Shillings; and for and in respect of every Supplementary Licence for the same Carriage which shall be taken out in any Case allowed by Law during the Period for which such original Licence was granted, the Duty of Sixpence;

And for and in respect of every Mile which any such Stage Carriage as aforesaid shall be licensed to travel, the Duty of One Halfpenny.

Lower Rates of Duty on Stage Carriages licensed to carry not more than Eight Persons.

7. If any Person who shall have obtained a Licence under this Act to keep, use, and employ a Stage Carriage constructed to carry not more than Eight Passengers at One Time shall carry or convey in or upon such Carriage more than Eight Passengers at One Time, he shall for every such Offence forfeit the Sum of Ten Pounds; and every Person who shall be carried or conveyed in or upon any such Carriage (except the Driver thereof) shall be deemed to be a Passenger conveyed for Hire at a separate Fare.

Penalty on Persons licensed to keep a Stage Carriage under this Act carrying a greater Number of Passengers than allowed by Licence.

8. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall deem it to be necessary for the Accommodation of the Public, to grant to any Person an occasional Licence to use a Carriage for the Conveyance of Passengers at separate Fares for One Day, or for any longer Period not exceeding Six Days in the whole, on Payment of the following Duties for and in respect of such Licence; (that is to say,)

For a Licence for One Day only:	£	*s.*	*d.*
For a Carriage drawn by One Horse only - -	0	3	0
For a Carriage drawn by Two Horses and no more	0	5	0
For a Carriage drawn by more than Two Horses -	0	10	0

And where any such Licence shall be granted for a longer Period than One Day there shall be charged and paid for the same the further Duty of One Half of the before-mentioned Rates respectively for every Day after the first, in addition to the Rate payable for One Day.

Occasional Licences may be granted for Carriages conveying Passengers at separate Fares.

9. Every such occasional Licence to use a Carriage for the Purpose aforesaid shall be granted under and subject to such Conditions, Rules, and Regulations as the Commissioners of Inland Revenue shall prescribe in that Behalf, and the Carriage for which

Such occasional Licences to be granted, and the Carriages used under such Regulations as the Commissioners may prescribe.

such Licence shall be granted shall be designated in such Manner as the said Commissioners shall require or direct; and in default of complying with any such Rule, Regulation, or Direction the Person to whom such Licence shall be granted shall forfeit the Sum of Ten Pounds.

Stage Carriage Licences to expire on the First Sunday in November in each Year.

10. Whereas by the Law in force Licences to keep, use, and employ Stage Carriages expire on the First Sunday in the Month of October in each Year, and it is expedient to alter the Time of the Expiration thereof: Be it enacted, That all such Licences taken out after the passing of this Act shall (except in the Cases herein-after provided for) expire on the First Sunday in the Month of November in each Year; and every Licence which shall be taken out after the First Sunday in the Month of November in any Year, and before the First Day of December in the same Year, shall be dated on the First Monday in November in the Year in which the same shall be granted; and if taken out on or at any Time after the First Day of December in any Year, shall be dated on the Day when the same shall be granted; and every Licence to use a Stage Carriage in force at the Time of the passing of this Act shall continue in force until the First Sunday in the Month of November next after the passing hereof, and the Holder of such Licence shall be liable to and chargeable with the Payment of the same Rate and Amount of Duties as are chargeable upon him according to the Terms of such Licence until the said First Sunday in the last-mentioned Month of November, unless such Licence shall be sooner discontinued.

Stage Carriage Licences may be taken out for One Quarter of a Year.

Not to supersede 6 Geo. 4. c. 81. s. 17. as to granting Licences for the Remainder of a current Year.

11. Provided always, That it shall be lawful for any Person to take out a Licence to keep, use, and employ a Stage Carriage for the Conveyance of Passengers at separate Fares for the Period of Three Months only, commencing on any of the several Quarter Days following, (that is to say,) the First Day of April, the First Day of July, the First Day of October, and the First Day of January in any Year, paying for such Licence One Fourth Part of the Duty which would be payable for the granting of such Licence for One whole Year; provided also, that nothing in this Act contained shall extend or be construed to repeal or supersede the Provisions of the Seventeenth Section of the Act passed in the Sixth Year of King George the Fourth, Chapter Eighty-one, authorizing the granting of Excise Licences for the Remainder of a current Year, but that such Provisions shall be deemed to apply and shall be observed with regard to Stage Carriage Licences for the Remainder of any Year ending on the First Sunday in November; and the several Quarters corresponding with the Termination of such Year shall be deemed to consist of Ninety-one Days.

Stage Carriage Licences may be transferred when the original Holder discontinues Business during the Currency of the Licence.

12. When any Person to whom any Licence shall have been granted for or in respect of any Stage Carriage shall discontinue the Business in relation to such Stage Carriage, it shall be lawful for the proper Officer or Officers of Excise, upon Payment of all Duty in arrear due from the Person to whom the Licence was granted, to transfer such Licence to any other Person to whom the original Holder thereof shall assign his Interest therein; and the Person to whom such Licence shall be so transferred shall thereupon be liable to and chargeable with the Payment of the Duty which shall accrue or become payable under such Licence, or in respect of the Stage Carriage to which the same shall relate, and shall also be liable to all other the Provisions and Regulations contained in any Act relating to Stage Carriages in the same Manner as if such last-mentioned Person had duly obtained a Licence in his own Name for the keeping, using, and employing of such Stage Carriage: Provided always, that the original Holder of such Licence shall indorse in Writing upon the Back thereof the Name of the Person to whom he assigns his Interest therein, and shall sign his own Name to such Indorsement.

5 & 6 Vict. c. 79. s. 4.

13. Whereas by the Fourth Section of the Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Seventy-nine, the Proprietor or Company of Proprietors of every Railway in Great Britain, and other Persons therein named, are required to keep and render certain Accounts as therein mentioned, and it is expedient to alter the Period for which such Accounts are directed to be made up, and the Time of delivering the same: Be it enacted, That the Proprietor or Company of Proprietors of every Railway in Great Britain, and the Persons required by Law to keep such Accounts as aforesaid, shall deliver to the Commissioners of Inland Revenue or to the proper Officer appointed for receiving the same, within Twenty Days after the Termination of every Calendar Month, a true Copy or true Copies of the Accounts of all Sums of Money received or charged and paid or accounted for, as in the said Act is mentioned, during the whole of the Calendar Month last preceding; and all the Provisions and Regulations contained in the said Act with regard to the Accounts therein directed to be rendered, and all Bonds and Securities entered into or given or to be entered into or given with relation thereto, shall apply, continue, and be in force as well with respect to any Surety as to the Principal in any such Bond, and to the Accounts to be kept and rendered at the Time and in the Manner by this Act directed, and the Duties payable in respect thereof.

Accounts of Sums received for the Conveyance of Passengers upon Railways to be made up at the Close of each Calendar Month.

Clause A. Restriction on Exemption from Duty on Railway

14. The Exemption from Duty granted by the Ninth Section of the Act passed in the Seventh and Eighth Years of Her Majesty's Reign, Chapter Eighty-five, in respect of the Conveyance of

Passengers granted by 7 & 8 Vict. c. 85. s. 9.

Passengers by Cheap Trains shall not extend to any Railway Train which shall not be a Train running on at least Six Days of the Week, or else a Train running to or from a Market Town on a Market Day, and approved of by the Lords of the Committee of Privy Council for Trade and Plantations as a Cheap Train for the Conveyance of Passengers to or from Market, or a Train approved by the said Lords of the Committee of Privy Council as an Ordinary Train of the Railway travelling on Sunday, and conveying Third-class Passengers at Fares not exceeding One Penny per Mile.

Authority to exercise several Trades may be contained in One Excise Licence.

15. Whereas under the Laws of Excise now in force separate and distinct Licences are granted to the same Person to exercise several Trades in the same House and Premises, and it is expedient that the Authority to exercise Two or more of such Trades should be combined in One Licence: Be it enacted, That whenever any Person shall intend to carry on Two or more Trades under the Excise Laws in the same House or Premises the Licences for which several Trades would expire by Law at the same Time, it shall be lawful for the Commissioners of Inland Revenue, in such Cases as they shall think fit, to authorize the exercising of the said several Trades by One Licence for that Purpose on Payment of the Amount of the several Duties chargeable for several Licences to exercise the same Trades respectively.

Penalty for giving more than One Shipping Notice for the same Goods exported and for claiming Drawback more than once.

16. If any Person who shall have given Notice of his Intention to ship any Goods or Commodities for Exportation on Drawback shall give another such Notice in respect of the same Goods or Commodities, or shall claim the Drawback upon the same Goods and Commodities more than once, or shall pass any Account or do any Act for the Purpose of obtaining any further or greater Amount of Drawback upon any such Goods or Commodities than the Drawback payable by Law thereon, or whereby or by means or colour whereof any such further or greater Amount of Drawback than as aforesaid may be obtained or claimed, he shall forfeit for every such Offence the Sum of One hundred Pounds, and treble the Amount of the Drawback unlawfully obtained or claimed, or which might be obtained or claimed by means or under colour of any such unlawful Act as aforesaid.

Goods shipped for Exportation on Drawback not to be brought on shore, or the Packages opened or

17. If any Goods or Commodities upon the Exportation of which a Drawback of Excise is payable shall after the same shall have been shipped on board any Vessel for Exportation be brought on shore, or if the Package or Packages in which any such Goods or Commodities shall be contained shall, after Shipment thereof as aforesaid, be opened, or the Marks, Letters, or Devices thereon be cancelled, obliterated, or altered without the Sanction of the Commissioners of Inland Revenue first had and obtained, all such Goods and Commodities and the Packages containing the same shall be forfeited, and may be seized by any Officer of Customs or Excise, and the Person or Persons who shall bring on shore such Goods or Commodities, or who shall open such Packages, or cancel, obliterate, or alter the Marks, Letters, or Devices thereon, or who shall be concerned in doing any of the said Acts, shall forfeit the Sum of One hundred Pounds.

Marks thereon altered.

Licences granted to Refreshment House Keepers to retail Foreign Wine to include the Sale of Sweets and Made Wines.

18. Every Licence taken out under the Provisions contained in the Two several Acts passed in the Twenty-third and Twenty-fourth Years of Her Majesty's Reign, Chapter Twenty-seven and Chapter One hundred and seven respectively, by a licensed Keeper of a Refreshment House, to sell therein by Retail Foreign Wine, to be consumed in such House or on the Premises belonging thereto, shall authorize and include the Sale of Sweets and Made Wines, Mead, and Metheglin, by Retail, to be consumed in the said House or on the said Premises.

CLAUSE B.
Alteration of the Law relating to occasional Licences.

19. Whereas it is expedient to alter and amend the Conditions and Restrictions upon and under which occasional Licences to sell Beer, Spirits, or Wine may be granted and used, as provided by the Thirteenth Section of the Act passed in the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign, Chapter Twenty-two: Be it enacted as follows:

1. That the Consent of One Justice of the Peace, as in the said Section mentioned, only, shall be necessary:
2. That the Hours during which such occasional Licence shall authorize the Sale of any Beer, Spirits, or Wine shall extend from Sunrise to One Hour after Sunset:
3. That upon the Occasion of any public Dinner or Ball it shall be lawful for the Person who shall have obtained an occasional Licence under the Provisions of the said Act to sell the said Liquors during such Hours before or after Sunrise or Sunset as shall be allowed and specified in that Behalf in the Consent to be given by the Justice of the Peace for the granting of such occasional Licence.

Twelfth Section of 25 & 26 Vict. c. 22. not to prohibit Persons licensed by the Excise from selling Beer,

20. Whereas by the Twelfth Section of the Act passed in the last Session of Parliament, Chapter Twenty-two, so much of any Act as permits the Sale of Beer, Spirits, or Wine at Fairs or Races without an Excise Licence was repealed: Be it enacted, That from and after the passing of this Act nothing in the last-recited Enactment contained shall extend to prohibit any Person duly licensed by the Excise

Spirits, or Wine at Fairs or Races.

Excise to retail Beer, Spirits, or Wine, as in the Eleventh Section of the Act passed in the Sixth Year of King George the Fourth, Chapter Eighty-one, is mentioned, from carrying on his Trade or Business for which he shall be so licensed in Booths, Tents, or other Places at the Time and Place and within the Limits of holding any lawful and accustomed Fair by virtue of any Law or Statute in that Behalf, or any public Races, in like Manner as such Person might lawfully have done under the said last-mentioned Act if the said Act of the last Session of Parliament had not been passed.

Union Assessment Committee not to require the Production of Documents relating to the Assessment of the Income Tax on Concerns in the Nature of Trade.

21. Whereas the Assessment Committee provided for by "The County Rates Assessment Act," Section Fifty-two, and by "The Union Assessment Committee Act, 1862," respectively, are thereby empowered to require Assessors, Collectors, and other Persons therein mentioned to make and transmit Copies of or Extracts from the Books of Assessment of any Taxes or Rates in their Custody, and to produce such Books as therein mentioned: Be it enacted, That nothing in the said Act contained shall extend to authorize or empower the said Committee to require any Assessor, Collector, or other Person employed in the Assessment or Collection of the Income Tax to make or transmit or to permit any other Person to make Copies of or Extracts from any Assessment, Rate, or Rate Book, or any Document relating to the Assessment or Collection of the Income Tax upon Profits of Trade for or in respect of any Quarries, Mines, Ironworks, Gasworks, or other Concerns in the Nature of Trade or Manufacture chargeable under Schedule (A.) of the Income Tax Acts, or to attend before the said Committee to produce any such Assessment, Rate, or Rate Book, or other such Document as aforesaid, or to be examined by or before such Committee touching or concerning the same.

CLAUSE C.
Commissioners of Taxes for any Division of a County may hold their Meetings within an adjoining City or other Place of exclusive Jurisdiction.

22. It shall be lawful for the Commissioners acting in execution of the Acts relating to the Land Tax, the Assessed Taxes, and the Income Tax respectively, for any District or Division of a County, to sit and hold their Meetings, and do any Act in execution of the said Acts respectively as such Commissioners as aforesaid, at any Place within any City, Town, or other Precinct, being a County of itself, or otherwise having exclusive Jurisdiction, and situated within, surrounded by, or adjoining to their respective Districts or Divisions; and all such Acts, Matters, and Things to be so done by such Commissioners, within such City, Town, or Precinct, as Commissioners acting for such District or Division, shall be as valid and effectual in Law as if the same had been done within such District or Division.

23. And

CLAUSE D. Income Tax to be deducted from Coupons on Stock Certificates, although the half-yearly Payment is under Fifty Shillings.

23. And whereas by an Act passed in the present Session of Parliament, intituled "An Act to give further Facilities to the "Holders of the Public Stocks," Certificates of Title to Shares in the Public Stocks are authorized to be issued having annexed Coupons entitling the Bearer to the Dividends payable in respect thereof, and by Section Eleven of the same Act it is enacted that the Income Tax shall be deducted from any Coupons payable under the said Act, in like Manner as it may be deducted from the Dividends payable at the Bank in respect of the Stock of Proprietors inscribed in the Books of the Bank: Be it enacted, That the Income Tax shall be deducted from any such Coupons as aforesaid, although the half-yearly Payment thereon shall not amount to Fifty Shillings, anything in any former Act to the contrary notwithstanding.

CLAUSE E. Innkeeper's Tobacco Licences to expire on the 10th of October.

24. Whereas by the Law in force Licences to deal in or sell Tobacco or Snuff expire on the Fifth Day of July in each Year, and it is expedient to alter the Time of the Expiration of such Licences taken out for the Sale of Tobacco or Snuff in Inns or Houses licensed for the Sale of Beer by Retail to be consumed upon the Premises: Be it enacted, That all such Licences aforesaid taken out by Innkeepers or Persons licensed to sell Beer to be consumed upon the Premises after the Fifth Day of July next after the passing of this Act, and before the Eleventh Day of October One thousand eight hundred and sixty-four, shall be and continue in force until the said last-mentioned Day; and all such Licences which shall be taken out on or after the said last-mentioned Day shall expire on the Tenth Day of October next after the granting thereof; and every such Licence as aforesaid which shall be in force at the Time of the passing of this Act, or which shall be taken out on or before the said Fifth Day of July, shall continue in force until the Eleventh Day of October next after the passing hereof; and in respect of every such Licence as aforesaid which shall be in force between the Fifth Day of July and the Eleventh Day of October next after the passing of this Act there shall be charged and paid in respect of the said last-mentioned Period, and in addition to the Duty paid or payable thereon, the Duty for One Quarter of a Year, and such additional Duty shall be recoverable in like Manner as any other Duty of Excise.

Provisions of former Acts to apply to this Act.

25. All the Powers, Provisions, Clauses, Regulations, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description as the several Rates or Duties granted by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, shall respectively be in full Force and Effect with respect to the said Rates and Duties by this Act granted respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the Rates and Duties by this Act granted respectively.

Inland Revenue.

A

BILL

[AS AMENDED IN COMMITTEE, ON CONSIDERATION OF BILL AS AMENDED, AND ON RE-COMMITTAL.]

For granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue.

(Prepared and brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Viscount Palmerston.)

Ordered, by The House of Commons, *to be Printed,*
1 *June* 1863.

[Bill 145.]

Under 2 oz.

13 *February* 1863. 26 VICT.

A

BILL

TO

Amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them.

Preamble.

WHEREAS it has happened that from the great Facility given to travelling by Railways and otherwise the Quantity and Value of the Goods and Property brought by Travellers to Inns is so much increased that the old Common Law Rule, which renders Innkeepers responsible for the Goods of their Guests which may be stolen or lost, has rendered the Trade of an Innkeeper extremely hazardous and dangerous: And whereas it is but fair and reasonable that a Remedy should be provided in this Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Responsibility of Innkeepers.

1. No Innkeeper shall hereafter be holden to be responsible for Goods or Property of his Guests where the Value thereof exceeds *Twenty Pounds*, except for such as may be deposited with such Innkeeper expressly for safe Custody; and where such Goods or

Property shall be so deposited for safe Custody, it shall be lawful for such Innkeeper to require that each Article thereof shall be exhibited to him, and its Value declared to him.

Amount, how ascertained.

2. Where Goods or Property are so deposited with and exhibited to an Innkeeper, and the same are afterwards stolen or lost, such Innkeeper shall not be concluded by the Price or Value set thereon by the Guest, as is aforesaid, but it shall be incumbent on the Guest to prove the actual Value of the same.

Interpretation Clause.

3. The Words and Expressions herein-after contained, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; that is so say, the Word "Innkeeper" shall mean the Keeper of any Hotel, Inn, Tavern, Public House, or other Place of Refreshment; and the Word "Property" shall mean Money, Securities for Money, Title Deeds, Precious Stones, Jewellery, Wearing Apparel, Goods, Wares, Merchandize, Chattels and Effects, Animals and Things, of every Description, and the Receptacles for the same.

10 *June* 1863. 26 VICT.

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them.

WHEREAS it is expedient to amend the Law concerning the Liability of Innkeepers in respect of the Goods of their Guests in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,) Preamble.

CLAUSE A. Innkeeper not to be liable for Loss, &c. beyond 30*l*., except in certain Cases.

1. No Innkeeper shall, after the passing of this Act, be liable to make good to any Guest of such Innkeeper any Loss of or Injury to Goods or Property brought to his Inn, not being a Horse or other live Animal, or any Gear appertaining thereto, or any Carriage, to a greater Amount than the Sum of Thirty Pounds, except in the following Cases; (that is to say,)

(1.) Where such Goods or Property shall have been stolen, lost, or injured through the wilful Default or Neglect of such Innkeeper or any Servant in his Employ:

(2.) Where such Goods or Property shall have been deposited expressly for safe Custody with such Innkeeper or his Servant authorized by him for that Purpose:

Provided always, that in the Case of such Deposit it shall be lawful for such Innkeeper, if he think fit, to require, as a Condition of his Liability, that such Goods or Property shall be deposited in a Box or other Receptacle, and that the Person depositing the same shall affix his Seal to the Fastening thereof.

CLAUSE B.
Obligation to receive Property of Guests for safe Custody.

2. If any Innkeeper shall refuse to receive for safe Custody, as before mentioned, any Goods or Property of his Guest, or if any such Guest shall, through any Default of such Innkeeper, be unable to deposit such Goods or Property as aforesaid, such Innkeeper shall not be entitled to the Benefit of this Act in respect of such Goods or Property.

CLAUSE C.
Notice of Law, &c. to be conspicuously exhibited.

3. Every Innkeeper shall cause to be printed in plain Type the First Section of this Act, and shall cause at least One Copy thereof to be exhibited in a conspicuous Part of the Hall or Entrance to his Inn, and he shall be entitled to the Benefit of this Act in respect of such Goods or Property only as shall be brought to his Inn while such Copy shall be so exhibited; and he shall also append to such Copy a Notice in Writing, signed by himself, containing the Name or Nature of Employment of the Servant or other Person (if any) authorized by him to receive Goods and Property for safe Custody.

Interpretation Clause.

4. The Words and Expressions herein-after contained, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; that is so say, the Word "Inn" shall mean any Hotel, Inn, Tavern, Public House, or other Place of Refreshment, the Keeper of which is now by Law responsible for the Goods and Property of his Guests; and the Word "Innkeeper" shall mean the Keeper of any such Place.

(No. 2.)

A

BILL

TO

Define and limit the Liability of Innkeepers.

WHEREAS Innkeepers are by the Law of England bound to keep safely in their Inns the Goods which Persons may bring with and have with them while stopping as Guests in such Inn, and are liable for any Loss incurred by their Failure in fulfilling such Obligation: And whereas Innkeepers under such Law incur in the Case of every Guest an unknown and indefinite Liability, and are often made liable for great and unreasonable Amounts, and that even in Cases in which they are not chargeable with any Want of proper and reasonable Care, and are also subject to Frauds practised on them in relation to alleged Losses of Goods by Persons stopping in their Inns, and it is expedient to provide a Remedy for the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows, that is to say: Preamble.

1. In any Action hereafter to be brought against any Innkeeper for any Loss occasioned by his Failure to fulfil his Obligation as such Innkeeper to keep safely the Goods of any Guest, no greater Damages shall be recovered than *Twenty Pounds*, unless it shall be averred in the Pleadings, and expressly proved on any Trial of such Action, that Innkeepers not to be liable beyond Twenty Pounds, unless the Loss is

such

occasioned by wilful Default or Misconduct.

such Loss was occasioned by the wilful Default or Misconduct of the Innkeeper or his Servants, or by the Want on his Part of reasonable Care.

Innkeeper not to be liable for certain Goods, unless he agrees to be responsible for the safe Keeping of the same.

2. No Innkeeper shall hereafter be deemed liable for the safe Keeping of any of the following Goods by reason of the same being brought by a Guest into his Inn; that is to say, any Gold or Silver Coin of the Realm or of any Foreign Country, or any Precious Metals, or any Bank Notes or other Securities for Money, to any greater Extent in the whole than *Fifty Pounds*, nor for any Ornaments, Jewellery, or other valuable Articles to any greater Extent than *Fifty Pounds*, nor for any Goods of any Nature or Kind whatsoever which such Guest shall carry with him otherwise than in the way of his Trade, unless in each and every Case such Innkeeper shall be apprised of the Possession of such Articles by his Guest, and shall agree to be responsible for the safe Keeping of the same, in which Case he shall be liable as if this Act had not been passed.

Act not to alter Liability of Innkeeper otherwise than herein expressly declared, &c.

3. Nothing in this Act contained shall alter or affect the Liability of an Innkeeper further or otherwise than is herein expressly declared, nor shall it in any Matter alter or affect the Liability of any Innkeeper upon any Contract relating to the safe Keeping of any Goods, nor shall it in any Manner protect any Innkeeper in any Case in which he may be liable independently of his Common Law Liability to keep safely the Goods of his Guests.

Interpretation.

4. The Word Innkeeper in this Act shall extend to and include all Keepers of Hotels, Taverns, and all other Persons who are by Law responsible as Innkeepers for the safe Custody of the Goods of Persons stopping in their Hotels, Taverns, or Houses.

Short Title.

5. This Act may be cited as "The Innkeepers Liability Act, 1863."

Extent of Act.

6. This Act shall not extend to Scotland.

6 *February* 1863. 26 VICT.

A

BILL

TO

Amend the Law relating to future Judgments, Statutes, and Recognizances.

Preamble.

WHEREAS it is desirable to place Freehold, Copyhold, Customary, and Leasehold Estates on the same Footing with purely Personal Estates in respect of future Judgments, Statutes, and Recognizances, as against Purchasers and Mortgagees: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Future Judgments, &c. not to affect Purchasers and Mortgagees.

1. No Judgment, Statute, or Recognizance to be entered up after *the passing of this Act* shall affect any Land (of whatever Tenure) as to a bonâ fide Purchaser for valuable Consideration or a Mortgagee, whether such Purchaser or Mortgagee have Notice or not of any such Judgment, Statute, or Recognizance.

Extent of the Word "Judgment."

2. In the Construction of this Act the Term "Judgment" shall be taken to include registered Decrees, Orders of Courts of Equity and Bankruptcy, and other Orders having the Operation of a Judgment.

Act not to extend to Ireland.

3. This Act shall not extend to Ireland.

[Bill 5.]

35

19 *March* 1863. 26 VICT.

A

BILL

TO

Further amend the Law concerning Judgments and Recognizances in Ireland.

WHEREAS it is desirable to place as far as practicable the Law respecting Judgments and Recognizances hereafter to be entered up in Ireland on the same Footing with the Law respecting Judgments and Recognizances in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Provisions of this Act shall come into operation on the *Thirty-first Day of December One thousand eight hundred and sixty-three*, which Day is herein referred to as the Commencement of this Act. Commencement of the Act.

2. This Act may be cited as "The Judgment Act (Ireland), 1863." Short Title of the Act.

3. From and after the *Commencement of this Act* the several Acts and Parts of Acts set forth in the Schedule hereto are hereby repealed, so far as regards any Judgment, Statute, or Recognizance to be entered up after the Commencement of this Act. Repeal of certain Acts.

Receivers under the Judgment Acts abolished.

4. No Person shall be entitled after the *Commencement of this Act* to apply to the Court of Chancery, under the Provisions of the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifty-five, and of an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and five, or under the Provisions of either of the said Acts, for an Order that a Receiver may be appointed over any Lands, Tenements, or Hereditaments in Ireland on Foot of any Judgment or Recognizance, or to have a Receiver previously appointed extended to such Matter: Provided always, that any Proceeding instituted prior to the *Commencement of this Act* may be continued and prosecuted as if this Act had not passed.

Judgment Mortgages as regards all future Judgments abolished.

5. No Person shall be entitled after the *Commencement of this Act* to register an Affidavit in respect of a Judgment under the Provisions of an Act passed in the Fourteenth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to amend the Laws concerning "Judgments in Ireland," or of an Act passed in the Twenty-first and Twenty-second Years of the Reign of Her Majesty the Queen, Chapter One hundred and five.

Judgment to operate as a Charge on Real Estates.

See 3 & 4 Vict. c. 105. s. 22.
13 & 14 Vict. c. 29. s. 12.

6. A Judgment to be entered up after the Time appointed for the Commencement of this Act against any Person in any of Her Majesty's Superior Courts at Dublin shall operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, including Lands and Hereditaments of Copyhold Tenure, of or to which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, be seised, possessed, or entitled for any Estate or Interest whatever, at Law or in Equity, whether in possession, reversion, remainder, or expectancy, or over which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he might, without the Assent of any other Person, exercise for his own Benefit; and a Judgment which since the *Fifteenth Day of July One thousand eight hundred and fifty*, and prior to the *Commencement of this Act*, shall have been entered up against any Person in any of the said Courts, and shall not have been registered as a Mortgage against any Lands of the Debtor, shall operate as a Charge from the *Commencement of this Act* upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, of whatever Tenure, of or to which such Person shall at the *Commencement of this Act*, or at any Time after, be seised, possessed of, or entitled to, in manner aforesaid, or which he shall be in manner aforesaid empowered to charge; and the said Judgments shall be binding as against the Person against whom Judgment shall be or shall have been so entered up, and against all Persons claiming under him, after such Judgment, save as is herein-after mentioned, and shall also be binding as against the Issue of his Body, and all other Persons whom he might, without the Assent of any other Person, cut off and debar from any Remainder, Reversion, or other Interest in or out of any of the said Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments; and every such Judgment Creditor shall have such and the same Remedies in a Court of Equity against the Hereditaments so charged by virtue of this Act, or any Part thereof, as he would be entitled to in case the Person against whom such Judgment shall be or shall have been so entered up had Power to charge the same Hereditaments, and had by Writing under his Hand agreed to charge the same with the Amount of such Judgment Debt and Interest thereon: Provided that no Judgment Creditor shall be entitled to proceed in Equity to obtain the Benefit of such Charge until after the Expiration of *One Year* from the Time of entering up such Judgment, nor shall such Charge operate to give the Judgment Creditor any Preference in case of the Bankruptcy of the Person against whom Judgment shall have been entered up, unless such Judgment shall have been entered up One Year at least before the Bankruptcy: Provided also, that nothing herein contained shall be deemed or taken to alter or affect any Doctrine of Courts of Equity whereby Protection is given to Purchasers for valuable Consideration without Notice.

Land affected by a Judgment may be sold in Landed Estate Court by the Creditor.

7. When any Land in Ireland is or shall be affected by a Judgment, the same shall be deemed an Incumbrance within the Meaning of an Act passed in the Twenty-second Year of Her Majesty Queen Victoria, intituled "An Act to facilitate the Sale and Transfer of "Land in Ireland."

Right to sell Land, &c. relinquished by taking the Person in Execution. See 3 & 4 Vict. c. 105. s. 25.

8. If any Judgment Creditor, who under the Provisions of this Act shall have obtained any Charge or be entitled to the Benefit of any Security whatever, shall afterwards, and before the Property so charged or secured shall have been converted into Money or realized, and the Produce thereof applied towards Payment of the Judgment Debt, cause the Person of the Judgment Debtor to be taken or charged in Execution upon such Judgment, then and in such Case such Judgment Creditor shall be deemed and taken to have relinquished all Right and Title to the Benefit of such Charge or Security, and shall forfeit the same accordingly.

Decrees and Orders of Courts of

9. All Decrees and Orders of the Court of Chancery in Ireland, and all Rules of any of the Superior Courts of Common Law, and

Equity, &c. to have Effect of Judgments. 3 & 4 Vict. c. 105. s. 27.

and all Orders of the Lord Chancellor or Master of the Rolls, or of the Court of Bankruptcy and Insolvency in Ireland, and all Orders of the Lord Chancellor in Matters of Lunacy, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable to any Person, shall have the Effect of Judgments in the Superior Courts of Common Law, and the Persons to whom any such Monies, or Costs, Charges, or Expenses shall be payable, shall be deemed Judgment Creditors within the Meaning of this Act, and all Remedies hereby given to Judgment Creditors are in like Manner given to Persons to whom any Monies, or Costs, Charges, or Expenses, are by such Orders or Rules respectively directed to be paid.

New Writs to be framed. See 3 & 4 Vict. c. 105. s. 29.

10. Such new or altered Writs shall be sued out of the Courts of Law, Equity, and the Court of Bankruptcy and Insolvency, as may by such Courts respectively be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit, and any existing Writ, the Form of which shall be in any Manner altered in pursuance of this Act, shall nevertheless be of the same Force and Virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

Future Judgments shall not bind Purchasers unless Writs of Execution thereon or a Suit for Sale be registered. See 23 & 24 Vict. c. 38. s. 1.

11. No Judgment entered up since the *Fifteenth Day of July One thousand eight hundred and fifty*, or which shall hereafter be entered up, shall affect any Land, of whatever Tenure, as to a bonâ fide Purchaser for valuable Consideration or a Mortgagee, whether such Purchaser or Mortgagee have Notice or not of any such Judgment, unless before the Execution of the Conveyance or Mortgage to him, and the Payment of the Purchase or Mortgage Money by him, a Writ of Fieri facias under which the said Land may be sold shall have been issued on such Judgment, and registered as is herein-after mentioned, or a Petition for the Sale of the said Land on foot of such Judgment shall have been duly presented to the Court of Chancery or to the Landed Estates Court in Ireland, and shall have been duly registered as a Lis pendens (in which latter Case such Purchaser or Mortgagee shall be subject to and bound by any Decree or Order respecting Land which shall be made in such Suit): Provided always, that no such Judgment, nor any Writ of Execution thereon, shall affect any Land, of whatever Tenure, as to a bonâ fide Purchaser or Mortgagee, (although such Writ of Execution shall have issued thereon, and have been duly registered,) unless such Writ shall be executed and put in force within *Three* Calendar Months from the Time when it was registered.

Mode of registering.

12. The Registry herein-before required of any Writ of Execution on any Judgment, in order to bind a Purchaser or Mortgagee, shall be made by a Memorandum or Minute referring to the Judgment already registered, so as to connect the Registry of the Writ of Execution or other Process therewith, *such Memorandum or Minute to be impressed with a Stamp Duty of Five Shillings*, and to be left with the proper Officer appointed under the Act passed in the Eighth Year of Her Majesty Queen Victoria, Chapter Ninety, who shall forthwith enter the Particulars in a Book in Alphabetical Order, by the Name of the Person in whose Behalf the Judgment upon which the Writ of Execution issued was registered, and also the Year and the Day of the Month when every such Memorandum or Minute is left with him; and all Persons shall be at liberty to search the same Book in addition to all the other Books in the same Office, on Payment of the Fee properly payable on every Requisition for Liberty to search in the Books of the said Office, according to the Provisions of the Act in that Case made and provided.

Provision for Protection of Heirs and Executors against unregistered Judgments.

13. And whereas by an Act passed in the Third Year of the Reign of His late Majesty King George the Second, intituled "An "Act for the better Discovery of Judgments in the Courts of King's "Bench, Common Pleas, and Exchequer at Dublin, and for the "greater Security of Purchasers," it was enacted, that Judgments should, as against Purchasers or Mortgagees, be Judgments only from the Time of their being docketed and entered in Books in the Manner thereby provided, and should not have any Preference against Heirs, Executors, or Administrators in the Administration of their Ancestors, Testators, or Intestates Estates, but from the Time aforesaid: And whereas by several later Acts, including the said Act passed in the Eighth Year of Her Majesty, Chapter Ninety, Judgments are required to be registered with more Particulars than were required by the said recited Act, and it is by the said Act passed in the Eighth Year of Her Majesty enacted, that Judgments not so registered shall not affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until the same shall be registered in manner thereby required, and in obedience to a Direction in the said last-mentioned Act contained the Dockets existing under the said first-recited Act have been finally closed: And whereas the said several later Acts do not expressly enact that Judgments not docketed as thereby required shall not have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates

Estates, in consequence whereof Doubts have arisen whether or not such Heirs, Executors, or Administrators have lost the Protection which they enjoyed under the said first-recited Act, and it is expedient that such Doubts should be removed: Be it therefore enacted and declared, That no Judgment which has not already been or which shall not hereafter be entered or docketed under the several Acts now in force, and which passed subsequently to the said Act of the Third Year of King George the Second, so as to bind Lands, Tenements, or Hereditaments as against Purchasers, Mortgagees, or Creditors, shall have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates.

Judgments as against Heirs and Executors to be re-registered.

14. No Judgments which since the passing of the said Act passed in the Eighth Year of the Reign of Her Majesty Queen Victoria, Chapter Ninety, have been registered under the Provisions therein contained, or which shall hereafter be so registered, shall have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates, unless at the Death of the Testator or Intestate *Five* Years shall not have elapsed from the Date of the Entry thereof on the Docket, or from the only or last Re-registry thereof, as the Case may be, which Re-registry from Time to Time is hereby authorized to be made in manner directed by the Act of the Thirteenth and Fourteenth Years of Queen Victoria, Chapter Twenty-nine, Sections Three and Four; but it shall be deemed sufficient to secure such Preference as aforesaid if such a Memorandum as was required in the first instance is again left with the proper Officer appointed under the said Act of the Seventh and Eighth Years of Queen Victoria, Chapter Ninety, within *Five* Years before the Death of the Testator or Intestate, although more than *Five* Years shall have expired by Effluxion of Time since the last previous Registration before such last-mentioned Memorandum or Minute was left, and so toties quoties upon every Re-registry.

Recognizances and Crown Debts to be re-registered every Five Years.

15. From and after the *Commencement of this Act* the Provisions for Re-registry of Judgments, Decrees, or Orders, Rules or Orders, contained in the Act of the Session of the Thirteenth and Fourteenth Years of Queen Victoria, Chapter Twenty-nine, shall extend and apply to every such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office as is by Section Eleven of the Statute Seventh and Eighth Victoria, Chapter Ninety, required to be registered, so that it shall be obligatory on the Crown, in order to bind the Lands, Tenements, and Hereditaments of its Debtors or Accountants, as against Purchasers, Mortgagees, or Creditors becoming such after the *Thirty-first Day of December One thousand eight hundred and sixty-three*, to re-register, in like Manner as it is obligatory on a private Person, and so that Notice of any such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office, not duly re-registered, shall not avail against Purchasers, Mortgagees, or Creditors becoming such after the *Thirty-first Day of December One thousand eight hundred and sixty-three*, as to Lands, Tenements, or Hereditaments; and this Provision shall apply to every such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office as has been registered under the Provisions contained in the said Act of the Seventh and Eighth Victoria, Chapter Ninety, or under the Provisions contained in the Act Eleventh and Twelfth Victoria, Chapter One hundred and twenty, Section Thirteen, or as shall be hereafter so registered.

Extent of the Word "Judgment."

16. In the Construction of the previous Provisions the Term "Judgment" shall be taken to include registered Decrees, Orders of Courts of Equity, and of the Court of Bankruptcy and Insolvency and other Orders having the Operation of a Judgment.

Compensation to Officers deprived of Emolument by the Act.

17. Every Person holding any Office or Employment in the Offices of Her Majesty's Courts of Chancery or Common Law in Ireland, who shall by the Operation of this Act be deprived of any Emolument, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within *Twelve* Calendar Months after the Commencement of this Act; and it shall be lawful for the said Commissioners, having regard to the Advantages, if any, accruing to such Claimant from the Operation of this Act, and to all the other Circumstances of each such Case, to award such Compensation to such Officer as they shall think just, the same to be paid out of any Monies which may be hereafter voted by Parliament for that Purpose.

Extent of the Act.

18. This Act shall extend to Ireland only.

SCHEDULE.

Acts to be repealed, so far as in the foregoing Act declared.

Date of Act.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4. c. 55.	An Act for facilitating the Appointment of Sheriffs in Ireland, and the more effectual Audit and passing of their Accounts, &c.	Section 31, save so far as it abolished Custodiams. Sections 32, 33, 34, 35, 36, 37, and 38.
3 & 4 Vict. c. 105.	An Act for the Abolition of Arrest on Mesne Process.	Sections 19, 21, 22.
12 & 13 Vict. c. 95.	An Act to amend the Law concerning Judgments in Ireland.	Entire Act, except Sections 1 and 11.
13 & 14 Vict. c. 29.	An Act to amend the Law concerning Judgments in Ireland.	Entire Act, except Sections 3, 4, 5, 9, 12.
21 & 22 Vict. c. 105.	An Act to amend an Act of the Thirteenth and Fourteenth Years of Her present Majesty, to amend the Laws concerning Judgments in Ireland.	The entire Act, save Section 5.

Judgments Law Amendment (Ireland).

A

BILL

To further amend the Law concerning Judgments and Recognizances in Ireland.

(Prepared and brought in by Mr. Whiteside and Mr. George.)

Ordered, by the House of Commons, *to be Printed,*
19 March 1863.

[Bill 71.]

Under 1 *oz.*

13 *July* 1863. 26 & 27 Vict.

A

BILL

INTITULED

An Act to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices.

WHEREAS by the Sixth Section of an Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three, intituled "An Act to "facilitate the Performance of the Duties of Justices of the Peace out "of Sessions within England and Wales with respect to summary Con- "victions and Orders," (which Act is herein-after referred to as the Principal Act,) it is enacted that such of the Provisions contained in the Act passed in the same Session of Parliament, Chapter Forty-two, and intituled "An Act to facilitate the Performance of the Duties of "Justices of the Peace out of Sessions within England and Wales "with respect to Persons charged with indictable Offences," whereby a Justice of the Peace for One County, Riding, Division, Liberty, City, Borough, or Place may act for the same whilst residing or being in an adjoining County, Riding, Division, Liberty, City, Borough, or Place of which he is also a Justice of the Peace, or whereby a Justice of the Peace for any County at large, Riding, Division, or Liberty may act as such within any City, Town, or Precinct next adjoining thereto or surrounded thereby, being a County Preamble.

of itself, or otherwise having exclusive Jurisdiction, as are applicable to the Provisions of the Principal Act, shall be deemed to be incorporated with the Principal Act, and to extend to all Acts required of or to be performed by Justices of the Peace under or by virtue of the Principal Act, in as full and ample a Manner as if the said Provisions and Enactments were repeated and made Parts of that Act: And whereas by the Thirty-fifth Section of the Principal Act it is provided that nothing in that Act contained shall extend to certain Cases therein mentioned: And whereas it is apprehended that the Provisions of the said Sixth Section of the Principal Act are controlled by the Thirty-fifth Section of the same Act, and that Justices cannot act under the first-mentioned of the said Two Sections in the Cases mentioned in the said Thirty-fifth Section: And whereas it is expedient that the Principal Act should be amended as herein-after provided: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Amendment of ss. 6. and 35. of 11 & 12 Vict. c. 43.

1. The Thirty-fifth Section of the Principal Act shall not apply to or control the Sixth Section of the same Act; and such last-mentioned Section shall be construed as if the Thirty-fifth Section were not and never had been contained in the Principal Act; and any Acts done or Orders made by Justices previously to the passing of this Act which would have been valid if this Act had been passed at the respective Dates of such Acts being done or Orders made shall be and are hereby declared to be valid accordingly.

24 *February* 1863. 26 VICT.

A

B I L L

FOR

The Remuneration of Jurors in certain Cases.

Preamble.

WHEREAS it is expedient to remunerate Jurors for their Attendance to try Issues respecting Matters which have not arisen in the County from which such Jurors are summoned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

For Payment of Juries sworn to try Issues which have not arisen in the County from which such Juries are summoned.

1. Where a Jury shall have been sworn to try any Issue before a Court or Judge, and it shall appear to the Court or Judge that the Cause of Action or Suit in such Issue did not arise within the County from which such Jury has been summoned, it shall be lawful for the Court or Judge to direct the Person by whom or at whose Instance such Issue shall have been entered or brought on for Trial in such County to pay to each of the Jurors, in open Court, before the Jury are discharged, the Sum of *Seven Shillings and Sixpence*, and the like Sum of *Seven Shillings and Sixpence* more for each Day after the first during which the Trial may continue; and any Person failing to make such Payment shall be deemed guilty of Contempt of Court.

Party paying Jury to have no further Al-

2. The Party paying such Jury shall not have any further or other Allowance for the same upon Taxation of Costs than he would

have

lowance for the same on Taxation than before the passing of this Act, unless the Court otherwise determine.

have been entitled unto before the passing of this Act, unless the Court or Judge shall, at or immediately after the Trial of the Issue, determine that the same could be more conveniently tried by such Jury than by a Jury of the County where the Matters in question arose, unless such Issue shall have been so tried by Consent of both Parties.

Direction of Court or Judge to be final.

3. Every Direction and Determination of a Court or Judge under this Act shall be final and conclusive.

30 *April* 1863. 26 VICT.

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

The Remuneration of Jurors in certain Cases.

Preamble.

WHEREAS it is expedient to remunerate Jurors for their Attendance to try Issues out of the Superior Courts respecting Matters which have not arisen wholly or in some material Point in the County from which such Jurors are summoned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

For Payment of Juries sworn to try Issues which have not arisen wholly in the County from which such Juries are summoned.

1. Where a Jury shall have been sworn to try any Issue in any Action or Suit in any of the Superior Courts, and it shall appear to the Judge that the Cause of Action or Suit in such Issue did not arise wholly or in some material Point within the County from which such Jury has been summoned, it shall be lawful for the Judge to direct the Party Plaintiff, or Defendant, or the Attorney or Solicitor of such Party, by whom or at whose Instance such Issue shall have been entered or brought on for Trial in such County, to pay to each of the Jurors, in open Court, before the Jury are discharged, the Sum of Seven Shillings and Sixpence, and the like Sum of Seven Shillings and Sixpence more for each Day after the first during which the

Trial may continue; and any Person failing to make such Payment shall be deemed guilty of Contempt of Court.

Party paying Jury to have no further Allowance for the same on Taxation than before the passing of this Act, unless the Judge otherwise determine.

2. The Party paying such Jury shall not have any further or other Allowance for the same upon Taxation of Costs than he would have been entitled unto before the passing of this Act, unless the Judge shall, at or immediately after the Trial of the Issue, determine that the same could be more conveniently tried by such Jury than by a Jury of the County or any of the Counties where the Matters in question arose wholly or in some material Point, unless such Issue shall have been so tried by Consent of both Parties.

Direction of Judge to be final.

3. Every Direction and Determination of a Judge under this Act shall be final and conclusive.

Limitation of Act.

4. This Act shall not extend to Scotland.

37

21 *April* 1863. 26 Vict.

A

BILL

TO

Confirm certain Provisional Orders under The Land Drainage Act, 1861.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Land Drainage Act, 1861," duly made the Provisional Orders contained in the First, Second, and Third Parts of the Schedule to this Act annexed, and it is by the said Act provided that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament, and it is expedient that the said Orders should be so confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. Each of the Provisional Orders contained in the Schedule hereunto annexed is hereby confirmed, and from and after *the passing of this Act* shall be deemed to be a Public General Act of Parliament of the like Force and Effect as if the Provisions of the same had been enacted in the Body of this Act. Provisional Orders in Schedule confirmed.

2. This Act may be cited for all Purposes either as "The First Annual Land Drainage Act, 1863," or as "The Land Drainage Act, 1861." Short Title.

SCHEDULE to which this Act refers.

PART 1.

In the Matter of Morden Carrs. County of Durham.

Whereas the Proprietors of not less than One Tenth Part in Acreage of certain Lands situate in the several Parishes of Aycliffe, Sedgefield, Merrington, and Bishop Middleham in the County of Durham, and particularly delineated on the Map herein-after mentioned, and requiring a combined System of Drainage, have presented a Petition to the Inclosure Commissioners for England and Wales, signed by such Proprietors as aforesaid, stating the proposed Boundaries of the District by Reference to a Map, and praying that the said Lands should be constituted a separate Drainage District, under the Provisions of "The Land Drainage Act, 1861:"

And whereas the said Commissioners referred the same to George Annet Grey, Esquire, an Inspector duly appointed under the Drainage Acts:

And whereas the said Inspector, after having caused due Notice to be given, proceeded to the said District, and held, pursuant to the said Notice, a Meeting on the Ninth Day of May 1862, at the House of Mr. Lawson, Farmer, in the Village of Morden in the said County of Durham, for the Purpose of receiving Evidence in support of such Petition, and of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto, and also for the Purpose of ascertaining the Opinion of the Proprietors in respect to the Constitution of the District:

And whereas the said Inspector duly reported in Writing to the said Commissioners the Result of his Inquiries:

And whereas we, the said Commissioners, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts of the Lands within the same are in favour thereof:

Now, therefore, in pursuance of the Power given to us by the said Act, we, the Inclosure Commissioners for England and Wales, do by this Provisional Order under our Seal constitute the Area a separate Drainage District, as shown on a Map defining the Boundaries of the same, which Map is authenticated under our Hands and Seal as the Map referred to in this Provisional Order, and a Copy of which is deposited in the Inclosure Office:

And we do further by this our Provisional Order make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Seven Members.

That the following Persons shall be the Members of the First Drainage Board:—Mark Ord, Sands, Sedgefield; the Reverend Thomas Linwood Strong, Sedgefield; Joseph Snowball, Seaton Burn House, Newcastle-on-Tyne; John

Parrington, Branspeth, Durham; Samuel Rowlandson, the College, Durham; James Eivers, Darlington; and George Trotter, Tunstall, West Hartlepool:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, that he shall be the Proprietor of not less than Thirty Acres of Land situate within the Area of the said District, or the Agent of such Proprietor acting under written Appointment:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof they have hereunto caused their official Seal to be affixed, this Fifteenth Day of January in the Year of our Lord One thousand eight hundred and sixty-three.

L.S.

PART 2.

In the Matter of LONGDON and ELDERSFIELD DRAINAGE.

WHEREAS the Proprietors of not less than One Tenth Part in Acreage of certain Lands situate in the several Parishes and Hamlets of Eldersfield, Pendock, Forthampton, Berrow, Birts Morton, Castle Morton, Longdon, Queenhill, Holdfast, and Bushley in the Counties of Gloucester and Worcester, and particularly delineated on the Map herein-after mentioned, and requiring a combined System of Drainage, have presented a Petition to the Inclosure Commissioners for England and Wales, signed by such Proprietors as aforesaid, stating the proposed Boundaries of the District by Reference to a Map, and praying that the said Lands should be constituted a separate Drainage District, under the Provisions of "The Land Drainage Act, 1861:"

And whereas the said Commissioners referred the same to Richard Grantham, Esquire, Civil Engineer, an Inspector duly appointed under the Drainage Acts:

And whereas the said Inspector, after having caused due Notice to be given, proceeded to the said District, and held, pursuant to the said Notice, a Meeting on the Twenty-first Day of October 1862, at the "Plough Inn" at Longdon in the said County of Worcester, for the Purpose of receiving Evidence in support of such Petition, and of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto, and also for the Purpose of ascertaining the Opinion of the Proprietors in respect to the Constitution of the District:

And whereas the said Inspector duly reported in Writing to the said Commissioners the Result of his Inquiries:

And whereas we, the said Commissioners, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts of the Lands within the same are in favour thereof:

Now, therefore, in pursuance of the Power given to us by the said Act, we, the Inclosure Commissioners for England and Wales, do by this Provisional Order under our Seal constitute the Area a separate Drainage District, as shown on a Map defining the Boundaries of the same, which Map is authenticated under our Hands and Seal as the Map referred to in this Provisional Order, and a Copy of which is deposited in the Inclosure Office:

And we do further by this our Provisional Order make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Sixteen Members:

That the following Persons shall be the Members of the First Drainage Board:—Sir Edmund Anthony Harley Lechmere, Baronet, the Rhydd Court, Upton-on-Severn; William Dowdeswell, Esquire, Pull Court, Tewkesbury; Edward Gresley Stone, Esquire, Chambers Court, Tewkesbury; Joseph Yorke, Esquire, Forthampton Court, Tewkesbury; William Edward Dowdeswell, Esquire, Pull Court, Tewkesbury; John Carn Thackwell, Esquire, Dymock, Newent, Gloucestershire; the Reverend William Symonds, Rectory, Pendock, Tewkesbury; Mr. Josiah Castree, Land Agent, College Green, Gloucester; Mr. John Ellis, Yeoman, Eastington, Longdon, Upton-on-Severn; Mr. William Herbert, Land Agent, Kempsey, Worcester; Mr. George Need Ireland, Yeoman, Eldersfield, Tewkesbury; Mr. John Rayer Lane, Yeoman, Castle Morton, near Upton-on-Severn; Mr. Richard Lord, Yeoman, Hill End, Longdon, Upton-on-Severn; Mr. William Woodward, Land Agent, Northway House, Tewkesbury; the Reverend Edward Henry Montague, Holdfast, Upton-on-Severn; Matthias Galledge, Farmer, of Mitre Farm, Forthampton:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, first, the Proprietor of not less than One hundred Acres of Land in either of the Parishes affected, of which Thirty Acres shall be within the taxable Area; or, secondly, Successor (Heir apparent) to Estates of not less than Two hundred Acres in Extent in either of the Parishes affected, of which Thirty Acres shall be within the taxable Area; or, thirdly, occupying Tenant, yearly or otherwise, of a Farm of not less than Two hundred Acres, of which Thirty Acres shall be within the taxable Area; or, fourthly, the Agent of a Proprietor of an Estate of not less than Two hundred Acres in Extent in either of the Parishes affected, of which Thirty Acres shall be within the taxable Area, such Agent being duly appointed by Power of Attorney, and the Principals themselves not being on the Board:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof we have hereunto caused our official Seal to be affixed, this Twenty-eighth Day of January in the Year of our Lord One thousand eight hundred and sixty-three.

L.S.

PART 3.

In the Matter of MAXEY DRAINAGE.

WHEREAS the Proprietors of not less than One Tenth Part in Acreage of certain Lands situate in the several Parishes of Maxey, Deepingate, Northborough, Glinton, Peakirk, Etton, and Helpstone in the County of Northampton, and particularly delineated on the Map herein-after mentioned, and requiring a combined System of Drainage, have presented a Petition to the Inclosure Commissioners for England and Wales, signed by such Proprietors as aforesaid, stating the proposed Boundaries of the District by Reference to a Map, and praying that the said Lands should be constituted a separate Drainage District, under the Provisions of "The Land Drainage Act, 1861:"

And whereas the said Commissioners referred the same to Richard Grantham, Esquire, Civil Engineer, an Inspector duly appointed under the Drainage Acts:

And whereas the said Inspector, after having caused due Notice to be given, proceeded to the said District, and held, pursuant to the said Notice, a Meeting on the Eleventh Day of November 1862, at the Vestry of the Parish Church of Maxey in the said County of Northampton, for the Purpose of receiving Evidence in support of such Petition, and of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto, and also for the Purpose of ascertaining the Opinion of the Proprietors in respect to the Constitution of the District:

And whereas the said Inspector duly reported in Writing to the said Commissioners the Result of his Inquiries:

And whereas we, the said Commissioners, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts of the Lands within the same are in favour thereof:

Now, therefore, in pursuance of the Power given to us by the said Act, we, the Inclosure Commissioners for England and Wales, do by this Provisional Order under our Seal constitute the Area a separate Drainage

District, as shown on a Map defining the Boundaries of the same, which Map is authenticated under our Hands and Seals as the Map referred to in this Provisional Order, and a Copy of which is deposited in the Inclosure Office:

And we do further by this our Provisional Order make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Seventeen Members:

That the following Persons shall be the Members of the First Drainage Board:—Honourable George Wentworth Fitzwilliam, Milton, Northamptonshire; John Yeoman, Milton, Northamptonshire, Esquire; Reverend Charles Mossop, Etton, Northamptonshire, Clerk; Joseph Beecroft Mawby, Market Deeping, Lincolnshire, Esquire; Thomas Parish Wright, Helpstone, Northamptonshire, Farmer; James Haines, Deeping Fen, Lincolnshire, Farmer; Daniel Webster, Maxey, Northamptonshire, Farmer; John Bellars, Maxey, Northamptonshire, Farmer; Thomas Walden, Northborough, Northamptonshire, Farmer; Samuel Vergette, Glinton, Northamptonshire, Farmer; James Webster, Peakirk, Northamptonshire, Farmer; John Giles, Peakirk, Northamptonshire, Farmer; John Crutchfield Sharpe, Deepingate, Northamptonshire, Esquire; Charles Day, Easton, Northamptonshire, Land Agent; Thomas Cole, Peakirk, Northamptonshire, Farmer; James Webster, Glinton, Northamptonshire, Farmer; John Morley Twigge, Molecey, West Deeping, Lincolnshire, Esquire:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, that he shall be the Proprietor of not less than Twenty Acres of Land situate within the Area of the said District, or the Agent of such Proprietor, acting under written Appointment:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof we have hereunto caused our official Seal to be affixed, this Twenty-eighth Day of January in the Year of our Lord One thousand eight hundred and sixty-three.

L. S.

18 *June* 1863. 26 Vict.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

TO

Confirm certain Provisional Orders under The Land Drainage Act, 1861.

Preamble.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Land Drainage Act, 1861," duly made the Provisional Orders contained in the First, Second, and Third Parts of the Schedule to this Act annexed, and it is by the said Act provided that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament, and it is expedient that the said Orders should be so confirmed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in Schedule confirmed.

1. Each of the Provisional Orders contained in the Schedule hereunto annexed is hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament of the like Force and Effect as if the Provisions of the same had been enacted in the Body of this Act: Provided always, that the following Provisions and Regulations shall take effect and be observed with respect to the Provisional Order contained in Part 1. of the Schedule to this Act annexed:

(1.) The Drainage Board shall not, without the previous Consent in Writing of the North-eastern Railway Company, make any new open Main Drain or Main Cut parallel with the Line of the North-eastern Railway within the Distance of One hundred Yards from the Centre of such Railway between a Point on such Railway opposite to Swan Carr House and another Point thereon One Mile Southwards of such first-mentioned Point, or, without such Consent as aforesaid, deepen any of the existing open Cuts or Drains within the same Distance: Provided always, that the Drainage Board may at all Times cleanse and keep open all existing Cuts or Drains within that Distance to the same Extent and Depth as heretofore:

(2.) The North-eastern Railway Company shall not, by virtue of this Act or "The Land Drainage Act, 1861," be rated to any greater Extent than for Fifteen Acres of Land, and only on an agricultural Value of such Fifteen Acres calculated at One Pound per Acre per Annum.

CLAUSE A.
Construction of Land Drainage Act as respects Boards established by Act.

2. It is hereby declared, That as against any Person owning or interested in any Land or other Property situate beyond the Limits of the Jurisdiction of any Board established by this Act, nothing contained in "The Land Drainage Act, 1861," shall be construed to render legal any Work executed or to be executed by such Board that would if that Act had not been passed have been illegal by reason of its injuriously affecting such Land or Property; and any Damages adjudged to be paid by any of the said Boards to any Person by reason of the said Works of the said Board injuriously affecting any Land or Property as aforesaid, shall be deemed to be Part of the Costs incurred by such Board in defending legal Proceedings instituted against them, and shall be defrayed in manner in which the said Costs are authorized to be defrayed by "The Land Drainage Act, 1861."

Short Title.

3. This Act may be cited for all Purposes as "The Land Drainage Supplemental Act, 1863."

SCHEDULE to which this Act refers.

PART 1.

In the Matter of MORDEN CARRS. County of DURHAM.

WHEREAS the Proprietors of not less than One Tenth Part in Acreage of certain Lands situate in the several Parishes of Aycliffe, Sedgefield, Merrington, and Bishop Middleham in the County of Durham, and particularly delineated on the Map herein-after mentioned, and requiring a combined System of Drainage, have presented a Petition to the Inclosure Commissioners for England and Wales, signed by such Proprietors as aforesaid, stating the proposed Boundaries of the District by Reference to a Map, and praying that the said Lands should be constituted a separate Drainage District, under the Provisions of "The Land Drainage Act, 1861:"

And whereas the said Commissioners referred the same to George Annet Grey, Esquire, an Inspector duly appointed under the Drainage Acts:

And whereas the said Inspector, after having caused due Notice to be given, proceeded to the said District, and held, pursuant to the said Notice, a Meeting on the Ninth Day of May 1862, at the House of Mr. Lawson, Farmer, in the Village of Morden in the said County of Durham, for the Purpose of receiving Evidence in support of such Petition, and of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto, and also for the Purpose of ascertaining the Opinion of the Proprietors in respect to the Constitution of the District:

And whereas the said Inspector duly reported in Writing to the said Commissioners the Result of his Inquiries:

And whereas we, the said Commissioners, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts of the Lands within the same are in favour thereof:

Now, therefore, in pursuance of the Power given to us by the said Act, we, the Inclosure Commissioners for England and Wales, do by this Provisional Order under our Seal constitute the Area a separate Drainage District, as shown on a Map defining the Boundaries of the same, which Map is authenticated under our Hands and Seal as the Map referred to in this Provisional Order, and a Copy of which is deposited in the Inclosure Office:

And we do further by this our Provisional Order make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Seven Members.

That the following Persons shall be the Members of the First Drainage Board:—Mark Ord, Sands, Sedgefield; the Reverend Thomas Linwood Strong, Sedgefield; Joseph Snowball, Seaton Burn House, Newcastle-on-Tyne; John

Parrington, Branspeth, Durham; Samuel Rowlandson, the College, Durham; James Eivers, Darlington; and George Trotter, Tunstall, West Hartlepool:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, that he shall be the Proprietor of not less than Thirty Acres of Land situate within the Area of the said District, or the Agent of such Proprietor acting under written Appointment:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof they have hereunto caused their official Seal to be affixed, this Fifteenth Day of January in the Year of our Lord One thousand eight hundred and sixty-three.

L.S.

PART 2.

In the Matter of Longdon and Eldersfield Drainage.

Whereas the Proprietors of not less than One Tenth Part in Acreage of certain Lands situate in the several Parishes and Hamlets of Eldersfield, Pendock, Forthampton, Berrow, Birts Morton, Castle Morton, Longdon, Queenhill, Holdfast, and Bushley in the Counties of Gloucester and Worcester, and particularly delineated on the Map herein-after mentioned, and requiring a combined System of Drainage, have presented a Petition to the Inclosure Commissioners for England and Wales, signed by such Proprietors as aforesaid, stating the proposed Boundaries of the District by Reference to a Map, and praying that the said Lands should be constituted a separate Drainage District, under the Provisions of "The Land Drainage Act, 1861:"

And whereas the said Commissioners referred the same to Richard Grantham, Esquire, Civil Engineer, an Inspector duly appointed under the Drainage Acts:

And whereas the said Inspector, after having caused due Notice to be given, proceeded to the said District, and held, pursuant to the said Notice, a Meeting on the Twenty-first Day of October 1862, at the "Plough Inn" at Longdon in the said County of Worcester, for the Purpose of receiving Evidence in support of such Petition, and of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto, and also for the Purpose of ascertaining the Opinion of the Proprietors in respect to the Constitution of the District:

And whereas the said Inspector duly reported in Writing to the said Commissioners the Result of his Inquiries:

And whereas we, the said Commissioners, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts of the Lands within the same are in favour thereof:

Now, therefore, in pursuance of the Power given to us by the said Act, we, the Inclosure Commissioners for England and Wales, do by this Provisional Order under our Seal constitute the Area a separate Drainage District, as shown on a Map defining the Boundaries of the same, which Map is authenticated under our Hands and Seal as the Map referred to in this Provisional Order, and a Copy of which is deposited in the Inclosure Office:

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That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, first, the Proprietor of not less than One hundred Acres of Land in either of the Parishes affected, of which Thirty Acres shall be within the taxable Area; or, secondly, Successor (Heir apparent) to Estates of not less than Two hundred Acres in Extent in either of the Parishes affected, of which Thirty Acres shall be within the taxable Area; or, thirdly, occupying Tenant, yearly or otherwise, of a Farm of not less than Two hundred Acres, of which Thirty Acres shall be within the taxable Area; or, fourthly, the Agent of a Proprietor of an Estate of not less than Two hundred Acres in Extent in either of the Parishes affected, of which Thirty Acres shall be within the taxable Area, such Agent being duly appointed by Power of Attorney, and the Principals themselves not being on the Board:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof we have hereunto caused our official Seal to be affixed, this Twenty-eighth Day of January in the Year of our Lord One thousand eight hundred and sixty-three.

L.S.

PART 3.

In the Matter of MAXEY DRAINAGE.

WHEREAS the Proprietors of not less than One Tenth Part in Acreage of certain Lands situate in the several Parishes of Maxey, Deepingate, Northborough, Glinton, Peakirk, Etton, and Helpstone in the County of Northampton, and particularly delineated on the Map herein-after mentioned, and requiring a combined System of Drainage, have presented a Petition to the Inclosure Commissioners for England and Wales, signed by such Proprietors as aforesaid, stating the proposed Boundaries of the District by Reference to a Map, and praying that the said Lands should be constituted a separate Drainage District, under the Provisions of "The Land Drainage Act, 1861:"

And whereas the said Commissioners referred the same to Richard Grantham, Esquire, Civil Engineer, an Inspector duly appointed under the Drainage Acts:

And whereas the said Inspector, after having caused due Notice to be given, proceeded to the said District, and held, pursuant to the said Notice, a Meeting on the Eleventh Day of November 1862, at the Vestry of the Parish Church of Maxey in the said County of Northampton, for the Purpose of receiving Evidence in support of such Petition, and of making Inquiries as to the Propriety of constituting the proposed District, and as to the Assent of the Proprietors thereto, and also for the Purpose of ascertaining the Opinion of the Proprietors in respect to the Constitution of the District:

And whereas the said Inspector duly reported in Writing to the said Commissioners the Result of his Inquiries:

And whereas we, the said Commissioners, are satisfied of the Propriety of constituting the proposed separate Drainage District, and that the Proprietors of Two Third Parts of the Lands within the same are in favour thereof:

Now, therefore, in pursuance of the Power given to us by the said Act, we, the Inclosure Commissioners for England and Wales, do by this Provisional Order under our Seal constitute the Area a separate Drainage

District, as shown on a Map defining the Boundaries of the same, which Map is authenticated under our Hands and Seals as the Map referred to in this Provisional Order, and a Copy of which is deposited in the Inclosure Office:

And we do further by this our Provisional Order make the following Regulations with respect to the Drainage Board:

That the Drainage Board for the said District shall consist of Seventeen Members:

That the following Persons shall be the Members of the First Drainage Board:—Honourable George Wentworth Fitzwilliam, Milton, Northamptonshire; John Yeoman, Milton, Northamptonshire, Esquire; Reverend Charles Mossop, Etton, Northamptonshire, Clerk; Joseph Beecroft Mawby, Market Deeping, Lincolnshire, Esquire; Thomas Parish Wright, Helpstone, Northamptonshire, Farmer; James Haines, Deeping Fen, Lincolnshire, Farmer; Daniel Webster, Maxey, Northamptonshire, Farmer; John Bellars, Maxey, Northamptonshire, Farmer; Thomas Walden, Northborough, Northamptonshire, Farmer; Samuel Vergette, Glinton, Northamptonshire, Farmer; James Webster, Peakirk, Northamptonshire, Farmer; John Giles, Peakirk, Northamptonshire, Farmer; John Crutchfield Sharpe, Deepingate, Northamptonshire, Esquire; Charles Day, Easton, Northamptonshire, Land Agent; Thomas Cole, Peakirk, Northamptonshire, Farmer; James Webster, Glinton, Northamptonshire, Farmer; John Morley Twigge, Molecey, West Deeping, Lincolnshire, Esquire:

That the First Meeting of the said Board shall be summoned by Notice under the Hands of any Two or more of the said Board, published in some Newspaper generally circulated in the District, and posted on the Church Doors of the above-mentioned Parishes at least Fourteen Days before the Day of Meeting:

That the Qualification of any subsequent Member of the said Board shall be, that he shall be the Proprietor of not less than Twenty Acres of Land situate within the Area of the said District, or the Agent of such Proprietor, acting under written Appointment:

That the Members of the First Board shall vacate their Offices on the First Thursday in September in the Year following that in which this Provisional Order shall be confirmed by Parliament:

That the Electors for Members of the Drainage Board shall be the Persons who have, during the Year immediately preceding such Election, been rated to any Drainage Rate of the District hereby constituted, and have paid all such Rates due from them at the Time of such Election.

In witness whereof we have hereunto caused our official Seal to be affixed, this Twenty-eighth Day of January in the Year of our Lord One thousand eight hundred and sixty-three.

L.S.

Land Drainage
(Provisional Orders).

A

BILL

[AS AMENDED ON RE-COMMITMENT]

To confirm certain Provisional Orders under The Land Drainage Act, 1861.

(*Prepared and brought in by*
Mr. Bruce and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
18 *June* 1863.

[Bill 173.]

Under 1 *oz.*

14 *July* 1863. 26 & 27 VICT.

A

BILL

TO

Appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.

WHEREAS an Act was passed in the Seventh and Eighth
Years of the Reign of His Majesty King George the 7 & 8 G. 4.
Fourth, Chapter Seventy-five: And whereas another Act c. 75.
was passed in the Ninth Year of the Reign of His said Majesty, 9 G. 4. c. 38.
Chapter Thirty-eight: And whereas another Act was passed in the
Second and Third Years of His Majesty King William the Fourth, 2 & 3 W. 4.
Chapter One hundred and twenty-seven: And whereas another Act c. 127.
was passed in the Third and Fourth Years of the Reign of His said 3 & 4 W. 4.
Majesty, Chapter Ninety-five: And whereas another Act was passed c. 95.
in the Sixth and Seventh Years of His said Majesty, Chapter Eighty: 6 & 7 W. 4.
And whereas another Act was passed in the First and Second Years c. 80.
of the Reign of Her present Majesty, Chapter Fifty-seven: And 1 & 2 Vict. c. 57.
whereas another Act was passed in the Seventh and Eighth Years of 7 & 8 Vict.
Her present Majesty, Chapter Seventy-nine: And whereas another c. 79.
Act was passed in the Eleventh and Twelfth Years of Her present 11 & 12 Vict.
Majesty, Chapter Sixty-two: And whereas another Act was passed c. 62.
in the Sixteenth and Seventeenth Years of Her present Majesty, 16 & 17 Vict.
Chapter One hundred and eleven: And whereas another Act was c. 111.

20 & 21 Vict. c. 46.

passed in the Twentieth and Twenty-first Years of Her present Majesty, Chapter Forty-six: And whereas it is expedient to appoint additional Persons to put in execution the several Acts for granting an Aid to Her Majesty by a Land Tax in Great Britain, and several other Acts for continuing or granting to Her Majesty Rates and Taxes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows:

Appointment of additional Commissioners.

1. The several and respective Persons herein-after named shall and may, and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties, Shires, and Places in England and Wales herein-after severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth; (that is to say,)

A

BILL

FOR

The Amendment in certain Particulars of "The Landed Property Improvement (Ireland) Act, 1860," and to facilitate Agricultural Improvements in Ireland.

WHEREAS it is expedient that Provision should be made for facilitating Improvements of Landed Property in Ireland, and "The Landed Property Improvement (Ireland) Act, 1860," requires to have its Machinery made less costly and intricate: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

1. This Act may be cited as "The Amended Landed Property (Ireland) Improvement Act, 1862." Short Title.

2. No Improvement or Building Lease granted under Part II. of the said Act of 1860 shall require the Sanction of the Chairman where the annual Rent reserved on an Improvement Lease shall not exceed *Fifty Pounds*, and shall at least be equal to the annual Sum at which the Land comprised in said Improvement Lease shall have been valued for Poor's Rate at the striking of the Rate next preceding the Date of such Lease, and where the Rent reserved on a Building Lease of Sanction of Chairman not necessary to certain Leases.

of Land in any Borough or Market Town in Ireland shall not exceed *Twenty Pounds* per Annum, and the Quantity of Land comprised therein shall not exceed *Half an Acre;* and the Term of such Agricultural or Building Lease shall not be greater than the Terms specified in such Lease in the said recited Act, and shall conform in all other respects, save only so far as regards the Sanction of the Chairman, to the Provisions of the said Act of Twenty-third and Twenty-fourth of Victoria, Chapter One hundred and fifty-three.

Registration of Leases.

3. All Improvement or Building Leases granted under the said Act or this shall be duly registered within *Twelve* Months after the Execution of the same.

Where the Sums to be expended in Improvement do not exceed 100*l.*

4. Sections Thirty-nine and Forty shall not apply to any Case where the Sums to be expended by the Tenant shall not exceed the Sum of *One hundred Pounds.*

No Provisional Order necessary.

5. No formal Provisional Order, as in the Forty-third and subsequent Sections specified, shall in such Cases where the Expenditure is not to exceed *One hundred Pounds* be necessary, but it shall be sufficient for the Clerk of the Peace to grant the Tenant, immediately after the Statement required by Section Forty-one is lodged with him, and duly verified by an Affidavit of the Tenant lodging the same, (which Affidavit the Clerk of the Peace is hereby empowered to receive and take,) a Certificate stating the Date and Fact of such Lodgment, and the Clerk of the Peace shall upon the Receipt of such Statement serve Notice and a Copy thereof on the Owner or his Agent, and the Certificate thereupon shall operate as a Provisional Order under the Act.

Causes against Absolute Order.

6. The Person resisting the making an Absolute Order in such Cases shall, in addition to the Causes on which he may rely under Section Forty-seven, be at liberty also to insist on the various Causes specified in Section Forty-three for resisting the making of a Provisional Order.

12 *May* 1863. 26 Vict.

A

BILL

TO

Amend the Leases and Sales of Settled Estates Act, 1856.

Preamble.

WHEREAS it is expedient to repeal the Twenty-first Section of the Nineteenth and Twentieth Victoria, Chapter One hundred and twenty, intituled "An Act to facilitate "Leases and Sales of Settled Estates," and to amend the said Act in other Particulars: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

21st Section of recited Act repealed.

1. That the Twenty-first Section of the said Act be and the same is hereby repealed.

Parliament may resolve that General Rules and Orders of the Court of Chancery in England regulating the Practice of the Court in Matters to which the said Act

2. Within *Twenty-one* Days after the *passing of this Act* the General Rules and Orders of the Court of Chancery in England, regulating the Practice of the Court in respect of the Matters to which the aforesaid Act relates, shall be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, then within *Twenty-one* Days after the next meeting thereof; and it shall be lawful for either of the Houses of Parliament, by any Resolution passed within *Thirty-six* Days after such Rules or Orders have been laid before it, to resolve that the same or any Part thereof relates ought not to continue in force.

ought not to continue in force, and thereupon the same shall cease to be binding: Provided always, that the Lord Chancellor of Great Britain, with the Advice and Assistance of the English Master of the Rolls, of the Lords Justices of the Court of Appeal in Chancery, and the Vice Chancellors, or of any *Three* of them, may, if he shall think fit, before the said Rules and Orders shall, in pursuance of the Direction herein-before contained, be laid before Parliament, rescind, alter, or amend such Rules and Orders for the Purpose of adapting them to the Repeal of the said Section or otherwise.

Provisions of recited Act not to extend to certain public Recreation Grounds.

3. None of the Provisions of the aforesaid Act shall be applicable or be deemed or construed to include or extend to any unenclosed or open Heath or other Land used by the Public for the Purpose of Exercise or Recreation, and situate within *Seven* Miles of Charing Cross in the County of Middlesex, or within *Two* Miles of any City or Town of Ten thousand Inhabitants, or within *Two Miles and a Half* of any City or Town of Twenty thousand Inhabitants, or within *Three* Miles of any City or Town of Thirty thousand Inhabitants, or within *Three Miles and a Half* of any City or Town of Seventy thousand Inhabitants, or within *Four* Miles of any City or Town of One hundred thousand Inhabitants; and in all such Cases the Number of Inhabitants shall be ascertained by the then last Parliamentary Census thereof, and the Distance shall be measured in a direct Line from the Town Hall if there shall be any Town Hall, and if there shall be no Town Hall then from the Cathedral or Church, if there shall be only One Church, or if there shall be more Churches than One, then from the principal Market of such City or Town.

24 *June* 1863. 26 & 27 VICT.

A

BILL

TO

Make perpetual an Act to amend the Laws relating to Loan Societies.

Preamble.

3 & 4 Vict. c. 110.

WHEREAS an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and ten, intituled "An Act to amend the Laws relating to Loan Societies," and continued by several Acts, and lastly by an Act of the Session of Parliament of the Twenty-first and Twenty-second Years of Her Majesty, Chapter Nineteen, is about to expire, and it is expedient to make the same perpetual: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3 & 4 Vict. c. 110. made perpetual.

1. There shall be repealed the First Section of the said Act of the Session of the Twenty-first and Twenty-second Years of Her Majesty, Chapter Nineteen, whereby it is provided that the said Act of the Third and Fourth Years of Her Majesty is to continue in force until the First Day of August One thousand eight hundred and sixty-three, and the last-mentioned Act shall be and is hereby made perpetual.

[Bill 185.]

19 *March* 1863. 26 VICT.

A

BILL

FOR

Amending the Local Government Act (1858).

Preamble.
21 & 22 Vict. s. 98.

WHEREAS by the Local Government Act, 1858, after reciting "that it is expedient to amend the Public Health "Act, 1848, and to make further Provisions for the Local "Government of Towns and populous Districts in England," numerous Provisions are made for the Establishment of Local Government in Towns and populous Districts that may adopt the Act, for the Regulation of the Sewerage, Drainage, and Buildings therein, for the Maintenance of the Streets and Roads, and for Police and other Town Purposes: And whereas it is expedient to place some Restriction upon the Adoption of the Act by Places containing a small Population only, and otherwise to amend the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

1. This Act may be cited as "The Local Government Act Amendment Act, 1863."

Restriction as to the Adoption of the Act by certain Places.

2. The Adoption of the Local Government Act, 1858, by any Place where that Act was not in force on the *First Day of March One thousand eight hundred and sixty-three*, and where the Population according to the then last Census is less than *Three thousand*, shall not be of any Validity unless it is approved by One of Her Majesty's Principal Secretaries of State, on Proof being given to his Satisfaction, that by reason of special Circumstances it is expedient that such Place should be allowed to adopt the Act.

In any Case of Adoption as last aforesaid, the Notice of the Resolution adopting the Act required by the said Act to be given to the said Secretary of State shall be accompanied by a Petition subscribed by the Persons who have passed the Resolution, and setting forth the special Circumstances that make it expedient for the Place to adopt the Act.

Upon the Receipt of such Petition the said Secretary shall either approve thereof, or direct Inquiry to be made in the Place as to the Truth of the Matters alleged in the Petition, of the Time and Place of which Inquiry *Fourteen* Days public Notice shall be given, and on the Determination of such Inquiry shall give or withhold, as he thinks just, his Approval of the Adoption of the Act.

The Approval or Disapproval of the said Secretary of State shall be published by the said Secretary in the Gazette, and such Publication shall be Evidence of the Fact of that Approval or Disapproval having been given.

Amendment of ss. 17 & 18 of the Local Government Act.

3. Petitions appealing against the Resolution of Adoption, and praying for Exclusion from the Operation of the Local Government Act, under the Seventeenth Section of that Act, and Appeals from Owners and Ratepayers who dispute the Validity of the Vote for Adoption under the Eighteenth Section of the same Act, may be presented and had at any Time before the Expiration of *Six* Weeks from the Date of any Resolution adopting the Act.

Abandonment of Local Government Act.

4. When a Resolution adopting the Local Government Act has been passed in a Place in which the Population, according to the then last Census, is less than *Three thousand*, that Resolution may at any Time be rescinded by a subsequent Resolution passed in the same Manner in which Resolutions for the Adoption of the Act are required to be passed, but the rescinding Resolution shall not be of any Effect unless it is approved by One of Her Majesty's Principal Secretaries of State, and Notice is published by him in the London Gazette of the passing of the Resolution and of his Approval thereof.

An Appeal may be had from any such rescinding Resolution in the same Manner and subject to the same Conditions, as nearly as may be, in and subject to which an Appeal may be had against a Resolution adopting the Act; and the Provisions of the Local Government Act relating to an Appeal against the Adoption of the Act shall with the requisite Variations apply to an Appeal under this Section.

The Notice of the rescinding Resolution shall not be published until the Expiration of the Time limited for an Appeal or until the Determination of the Appeal, but upon the Publication thereof the Adoption of the Local Government Act shall be deemed to be avoided as from the Date of that Publication, and from the same Date the Local Government Act shall cease to be in force within the District, and the District shall revert to the Position in which it was before the Adoption of the Local Government Act; so nevertheless that any Contracts that may have been entered into by or on behalf of the Local Board of any such District may be enforced in the same Manner in all respects as if the Local Government Act had continued in force in the District, and so far as may be necessary for the Enforcement of such Contracts the Local Board and all their Powers of levying Money shall be deemed to be continued.

Provision for Avoidance of Constitution of District.

5. In any District constituted under the Local Government Act, 1858, where by that Act the Local Board is required to be elected by the Ratepayers, and where the Population, according to the then last Census, is less than *Three thousand*, if no Election of a Local Board in pursuance of the said Act takes place within *Three* Months from the Date of the Constitution of the District, or if in any such District as last aforesaid the Local Board makes default in appointing fit and proper Persons to the following Offices or any of them, that is to say, to the Office of Surveyor, Inspector of Nuisances, Clerk, and Treasurer, within *Two* Months after the Election of the Local Board, then upon the happening of either of the above Events the Adoption of the Local Government Act in the said District shall be void, and the Local Government Act, 1858, shall cease to be in force within the District, and the District shall revert to the same Position as it was in before the Adoption of the Act; so nevertheless that any Contracts that may have been entered into by or on behalf of the Local Board of any such District may be enforced in the same Manner in all respects as if the Local Government Act had continued in force in the District, and so far as may be necessary for the Enforcement of such Contracts the Local Board and all their Powers of levying Money shall be deemed to be continued.

Amendment of Section Fifteen of the Local Government Acts.

6. The Power of adopting any Part or Parts of the Local Government Act, 1858, given by that Act and the Acts amending the same shall not be exhausted by One Adoption, but may be exercised from Time to Time.

7. The

Construction of Acts.

7. The Public Health Act, 1848, and the Acts amending the same, and the Acts amending the Local Government Act, 1858, including this Act, are hereby declared to be One Act, and to be included under the Expression the Local Government Act, 1858, or any Words referring to that Act.

Local Government Act (1858) Amendment.

A

BILL

For amending the Local Government Act (1858).

(Prepared and brought in by
Sir George Grey and Mr. Bruce.)

Ordered, by The House of Commons, *to be Printed,*
19 *March* 1863.

[Bill 69.]

Under 1 *oz.*

13 *April* 1863. 26 VICT.

A

BILL

[AS AMENDED IN COMMITTEE]

FOR

Amending the Local Government Act (1858).

Preamble.
21 & 22 Vict. s. 98.

WHEREAS by the Local Government Act, 1858, after reciting "that it is expedient to amend the Public Health "Act, 1848, and to make further Provisions for the Local "Government of Towns and populous Districts in England," numerous Provisions are made for the Establishment of Local Government in Towns and populous Districts that may adopt the Act, for the Regulation of the Sewerage, Drainage, and Buildings therein, for the Maintenance of the Streets and Roads, and for Police and other Town Purposes: And whereas it is expedient to place some Restriction upon the Adoption of the Act by Places containing a small Population only, and otherwise to amend the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

1. This Act may be cited as "The Local Government Act Amendment Act, 1863."

Restriction as to the Adoption of the Act by certain Places.

2. The Adoption of the Local Government Act, 1858, by any Place where that Act was not in force on the First Day of March One thousand eight hundred and sixty-three, and where the Population according to the then last Census is less than Three thousand, shall not be of any Validity unless it is approved by One of Her Majesty's Principal Secretaries of State, on Proof being given to his Satisfaction, that by reason of special Circumstances it is expedient that such Place should be allowed to adopt the Act.

Before signifying his Approval or Disapproval the said Secretary may cause an Inquiry to be made in the Place as to the Circumstances alleged in support of the Expediency of the Adoption of the Act, of the Time and Place of which Inquiry Fourteen Days public Notice shall be given, and on the Determination of such Inquiry shall give or withhold, as he thinks just, his Approval of the Adoption of the Act.

The Approval or Disapproval of the said Secretary of State shall be published by the said Secretary in the Gazette, and such Publication shall be Evidence of the Fact of that Approval or Disapproval having been given.

Amendment of ss. 17 & 18 of the Local Government Act.

3. Petitions appealing against the Resolution of Adoption, and praying for Exclusion from the Operation of the Local Government Act, under the Seventeenth Section of that Act, and Appeals from Owners and Ratepayers who dispute the Validity of the Vote for Adoption under the Eighteenth Section of the same Act, may be presented and had at any Time before the Expiration of Six Weeks from the Date of any Resolution adopting the Act.

Abandonment of Local Government Act.

4. When a Resolution adopting the Local Government Act has been passed in a Place in which the Population, according to the then last Census, is less than Three thousand, that Resolution may at any Time be rescinded by a subsequent Resolution passed in the same Manner in which Resolutions for the Adoption of the Act are required to be passed, but the rescinding Resolution shall not be of any Effect unless it is approved by One of Her Majesty's Principal Secretaries of State, and Notice is published by him in the London Gazette of the passing of the Resolution and of his Approval thereof.

An Appeal may be had from any such rescinding Resolution in the same Manner and subject to the same Conditions, as nearly as may be, in and subject to which an Appeal may be had against a Resolution adopting the Act; and the Provisions of the Local Government Act relating to an Appeal against the Adoption of the Act shall with the requisite Variations apply to an Appeal under this Section.

The Notice of the rescinding Resolution shall not be published until the Expiration of the Time limited for an Appeal or until the Determination of the Appeal, but upon the Publication thereof the

Adoption of the Local Government Act shall be deemed to be avoided as from the Date of that Publication, and from the same Date the Local Government Act shall cease to be in force within the District, and the District shall revert to the Position in which it was before the Adoption of the Local Government Act; so nevertheless that any Contracts that may have been entered into by or on behalf of the Local Board of any such District may be enforced in the same Manner in all respects as if the Local Government Act had continued in force in the District, and so far as may be necessary for the Enforcement of such Contracts the Local Board and all their Powers of levying Money shall be deemed to be continued.

Provision for Avoidance of Constitution of District.

5. In any District constituted under the Local Government Act, 1858, where by that Act the Local Board is required to be elected by the Ratepayers, and where the Population, according to the then last Census, is less than Three thousand, if no Election of a Local Board in pursuance of the said Act takes place within Three Months from the Date of the Constitution of the District, or if in any such District as last aforesaid the Local Board makes default in appointing fit and proper Persons to the following Offices or any of them, that is to say, to the Office of Surveyor, Inspector of Nuisances, Clerk, and Treasurer, within Two Months after the Election of the Local Board, then upon the happening of either of the above Events the Adoption of the Local Government Act in the said District shall be void, and the Local Government Act, 1858, shall cease to be in force within the District, and the District shall revert to the same Position as it was in before the Adoption of the Act; so nevertheless that any Contracts that may have been entered into by or on behalf of the Local Board of any such District may be enforced in the same Manner in all respects as if the Local Government Act had continued in force in the District, and so far as may be necessary for the Enforcement of such Contracts the Local Board and all their Powers of levying Money shall be deemed to be continued.

Amendment of Section Fifteen of the Local Government Acts.

6. The Power of adopting any Part or Parts of the Local Government Act, 1858, given by that Act and the Acts amending the same shall not be exhausted by One Adoption, but may be exercised from Time to Time.

Construction of Acts.

7. The Public Health Act, 1848, and the Acts amending the same, and the Acts amending the Local Government Act, 1858, including this Act, are hereby declared to be One Act, and to be included under the Expression the Local Government Act, 1858, or any Words referring to that Act.

Local Government Act (1858) Amendment.

A

BILL

[AS AMENDED IN COMMITTEE]

For amending the Local Government Act (1858).

(*Prepared and brought in by*
Sir George Grey and Mr. Bruce.)

Ordered, by The House of Commons, *to be Printed,*
13 *April* 1863.

[Bill 77.]

Under 1 *oz.*

LORDS AMENDMENT

TO THE

LOCAL GOVERNMENT ACT (1858) AMENDMENT BILL.

Note.—*The Page and Line refer to the Bill* (69.) *as printed by the Lords.*

Page 3. Line 33. After ("continued") insert Clause (A.)

Clause (A.) Where any District under the Public Health Act, 1848, and the Local Government Act, 1858, or either of such Acts, or any other Place, is surrounded by or adjoins a Highway District constituted under the Highways Acts, such first-mentioned District or other Place shall for the Purpose of any Meeting of the Highway Board be deemed to be within such Highway District.

LORDS AMENDMENT

TO THE

LOCAL GOVERNMENT ACT (1858) AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed,*
30 *April* 1863.

[Bill 99.]

Under 1 *oz.*

A

BILL

TO

Confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of Basford, Teignmouth, Kingston-upon-Hull, Nottingham, Bradford, Ryde, Bedford, Croydon, Batley, Berwick-upon-Tweed, Sheerness, Bromsgrove, and Matlock Bath.

Preamble.

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act, that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and further Provision made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in Schedule confirmed.

1. The Provisional Orders contained in the Schedule hereunto annexed shall from and after the *passing of this Act* be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

This Act incorporated with 21 & 22 Vict. c 98.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

3. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1863."

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. **Basford.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Basford Local Board for Street Improvements.
2. **Teignmouth.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Teignmouth Local Board for the Formation of a public Road.
3. **Kingston-upon-Hull.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the Kingston-upon-Hull Local Board of Health for Street Improvements.
4. **Nottingham.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the Nottingham Local Board of Health for Street Improvements, &c.
5. **Bradford.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the Bradford Local Board of Health for Street Improvements.
6. **Kingston-upon-Hull.**—Altering the Kingston-upon-Hull Improvement Act, 1854, incorporating in it Provisions of the Towns Improvement Clauses Act, 1847, respecting Streets, and for other Purposes.
7. **Ryde.**—Extending the Borrowing Powers of the Ryde Commissioners acting as the Local Board within the Ryde District in the Isle of Wight.
8. **Bedford.**—Repealing and altering Parts of Local Acts in force within the District of the Bedford Local Board.
9. **Croydon.**—Altering the Provisional Order applying the Public Health Act, 1848, to the District of Croydon in the County of Surrey.
10. **Batley.**—Altering the Order in Council applying the Public Health Act, 1848, to the District of Batley in the County of York.
11. **Berwick-upon-Tweed.**—Extending the Borrowing Powers of the Berwick-upon-Tweed Local Board of Health.
12. **Sheerness.**—Extending the Borrowing Powers of the Sheerness Local Board of Health.
13. **Bromsgrove.**—Altering Parts of Local Act in force within the District of the Bromsgrove Local Board.
14. **Matlock Bath.**—Altering the Boundaries of the District of Matlock under the Provisions of the Local Government Act, 1858.

BASFORD.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Basford Local Board in the County of Nottingham, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act*, 1858.

Whereas the Basford Local Board in and for the District of Basford in the County of Nottingham have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, duly presented a Petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land and certain buildings for the purpose of enabling them to alter and improve certain streets in the said District, as set forth and described in such Petition.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Basford, in the County of Nottingham, shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, and in the Petition herein-before referred to, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my Hand this Eleventh day of June 1862.

(Signed) G. Grey.

Schedule

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Premises proposed to be taken, as described in the foregoing Order, are the following :—

Property proposed to be taken.	No. on Plan.	Owner.	Occupier.
Garden land	1	Thos. Danks	Thos. Danks.
Ditto	2	Ditto	Edward Clarke.
Club room and garden land	3	Ann Chamberlain	Ann Chamberlain.
Garden land and building	13	James Smith	James Smith.
Garden land	14	Benjamin Abbot	Thomas Fox.
Ditto	15	Thomas Smedley and William Ivory Fletcher.	Thomas Hanson.
Ditto	16		Edward Brailsford.
Ditto	17		James Blyton.
Ditto	18		William Hopcraft.
Ditto	19		Thomas Smedley.
Ditto	20		Samuel Dodson.
Back yard and premises	21	William Clay	Alfred Torr.
Ditto	22		Sarah Kent.
Ditto	23		Ann Buckland.
Ditto	24		Unoccupied.
Ditto	25		John Fox.
Ditto	26		William Wallwin.
Ditto	27		John Woodward.
Ditto	28		John Shipstone.
Garden land and outbuilding	29	William Birkin	William Birkin.
Ditto	30	George Smith	George Smith.
Garden land	31	Robert Wright	Robert Wright.
Garden land and premises	32	Sarah Knight	Mark Mitchell.
Ditto	33		Mary Osborne.
Yard, stable, and premises	34	William Frost	George Diggle. John Ford. Thomas Keeling.
Dwelling-house	35	Fred. Harwood Ward	Thomas Bradbury.
Dwelling-houses and garden land	37	Rich. Vickerstaff	Ruth Godber.
Dwelling-house	38		Thos. Osborne.
Ditto	39		Unoccupied.
Ditto	40		Ditto.
Ditto	41		Ditto.
Ditto	42	William Marriott	William Marriott.
Ditto	43	Mary Corden	Mary Corden.
Ditto	44	Ditto	Ditto.
Garden land	45	Elias Alton	Harriet Perrons.
Ditto	46	William Maltby	Richard Spencer.
House, premises, and garden land	47		Ann Henson.

TEIGNMOUTH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Teignmouth Local Board, for the Purchase of Land by the said Board for a Public Road.—Local Government Act,* 1858.

Whereas the Local Government Act, 1858, has been duly adopted by the Commissioners for the Improvement of the Town of Teignmouth in the County of Devon; and whereas the said Local Government Act, 1858, has now the force of law within the district of the town of Teignmouth aforesaid; and whereas the said Commissioners, acting as Local Board under such Act, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, duly adopted by them as aforesaid, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition to me as one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land and certain buildings for the purpose of forming a road or public highway within the District of the said Local Board.

And whereas the said Petition duly set forth the pieces of land and the buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might with reference to such lands and buildings be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The Teignmouth Improvement Commissioners aforesaid, being the Local Board for the District of Teignmouth in the County of Devon, shall be empowered to put in force, with reference to the lands and buildings referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Fifth day of June 1862.

(Signed) G. Grey.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken, as described in the foregoing Order, are the following (the numbers in column 2 referring to the numbers on the Plan accompanying the Local Board's Petition to the Secretary of State):—

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owners or reputed Owners.	Lessees and Occupiers or reputed Lessees and Occupiers.
Part of a Field called Long Meadow, containing 1 rood and 36 perches.	1	George Ferris Whidborne, George Moir, and John Hellyer Tozer.	William Parsons.
Part of fields called Buckeridge Fields, Blackallers and Little Allers, containing 1 rood and 28 perches.	2, 3, 4, &5	George Ferris Whidborne, George Moir, and John Hellyer Tozer.	William Cotton.
Part of a field called Long Park, containing 11 perches.	6	Sanderson John Howe	William Mann.
Part of a field called Lower Heath Park, containing 1 rood.	7	Charles Langley and William Henry Langley.	William Mann.
Part of fields called Rickyard, containing 18 perches.	8	John Rendell and Thomas Pidsley.	Henry Hoare.
Part of fields called Big Paradise, Little Mead, and Little Paradise, containing 28 perches.	9 and 10	George Frederick Truscott and the Rev. Charles Rodwell Roper.	Thomas Gribble and Henry Lake Hirtzel.
Part of a field called Paradise, containing 22 perches.	11	The Trustees of Grendon's Charity, viz.,—George Braund, James Commin, Charles Davey, Alfred Evans, Henry Lake Hirtzel, William Hooper, Charles Kingdon, Kent Kingdon, William Miles, Patrick Miller, James Pasmore, Edward Andrew Sanders, Thomas Snow, Perry Sparkes, John Hull Terrell.	Thomas Gribble and Henry Lake Hirtzel.
Part of a field called Outer Moor, containing 8 perches.	12	The Right Hon. the Earl of Devon, Samuel Trehawke Kekewich, George Frederick Truscott, and the Rev. Charles Rodwell Roper.	George Frederick Truscott and the Rev. Charles Rodwell Roper, William Coles. (William Coles, Occupier.)
Part of a field called Inner Moor, containing 6 perches.	13	George Frederick Truscott and the Rev. Charles Rodwell Roper.	Lewis Galsworthy.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owners or reputed Owners.	Lessees and Occupiers or reputed Lessees and Occupiers.
Occupation Road.	19	The Right Hon. the Earl of Devon, Samuel Trehawke Kekewich, George Frederick Truscott, the Rev. Charles Rodwell Roper, William Pearce Blake, and Frances Warren.	William Coles, Lewis Galsworthy, Jane Brimage, James Peard Ley, and John Luce (Occupiers).
Part of a field called Little Ham, containing 18 perches.	14	Frances Warren - -	Jane Brimage, James Peard Ley (Occupiers).
Part of fields called Stone field and Middle Stone field, containing 1 rood and 3 perches.	15 and 16	Henry Boulton Pennell	Henry Boulton Pennell (Occupier).
Part of a field called Butter Knoll Meadow, containing 1 rood and 26 perches.	17	Henry Boulton Pennell	Edward Palk, Thomas Gribble, and Henry Lake Hirtzel.
Part of a field called John's Well, containing 26 perches.	18	Jacob Bickford Bartlett and Alexander Foxcroft Ridgway.	Ellis Dunrich.

KINGSTON-UPON-HULL.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the Borough of Kingston-upon-Hull, for the Purchase of Lands by the Local Board of Health of the aforesaid Borough for Street Improvements.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, in their capacity of Local Board of Health for the District of the said Borough, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, duly presented a petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land and certain buildings for the purpose of enabling them to alter and improve certain streets in the said District, as set forth and described in such Petition.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed WILLIAM RANGER, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Kingston-upon-Hull shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, and in the Petition herein-before referred to, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand this 21st day of March 1863.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The PIECES of LAND and the PREMISES proposed to be taken, as described in the foregoing Order, are the following:—

No. on Plan.	Names of Owners.	Names of Lessees.	Names of Occupiers.
	Salthouse Lane and High Street Improvement.		
52	Mary Gleadow - -	- - - -	Henry Fussey.
53	Robert Newton - -	- - - -	William Abba.
	Waterhouse Lane Improvement.		
44	The Rev. J. D. Frost -	- - - -	Robert Bricklebank.
45	Ditto - - -	- - - -	Henry Marwood.
46	Ditto - - -	- - - -	Samuel Grayson.
47	Ditto - - -	- - - -	John Nevison.
48	Ditto - - -	- - - -	A. G. Sollitt.
	Myton Place and Castle Row Improvements.		
1	The Mayor, Aldermen, and Burgesses of Hull.	Anthony William Westoby	Anthony William Westoby.
2	Ditto - - -	Thos. Rymers and others (F. Appleyard's Devisees).	Thos. R. Halfyard.
3	Ditto - - -	Ditto - - -	Daniel Waghorn.
4	Ditto - - -	Ditto - - -	Martha Ridsdale.
5	Ditto - - -	Ditto - - -	Hannah Anderson.
6	Ditto - - -	J. S. Easterby and others (Assignees of James Isaac Markcrow, a Bankrupt).	James Isaac Markcrow.

No. on Plan.	Names of Owners.	Names of Lessees.	Names of Occupiers.
7	The Mayor, Aldermen, and Burgesses of Hull.	Eliza Dibb	Edward Parkin.
8	Ditto	Ditto	George Jinman.
9	Joseph Parrott	- - - -	Samuel Decent.
10	Ditto	- - - -	Thos. Rainster.
11	Ditto	- - - -	Joseph Parrott.
12	John Ellis	- - - -	Thomas Annis.
13	Ditto	- - - -	James Mitchell.
14	Ditto	- - - -	James Foster.
15	Ditto	- - - -	John Crispin.
16	Ditto	- - - -	Samuel Parkin.
17	Ditto	- - - -	Joseph Griffin.
18	Richard Wilbe and others	- - - -	Richard Wilbe and others.
19	The Mayor, Aldermen, and Burgesses of Hull.	Jesse Graves	Timothy Oliver.
20	Ditto	Thompson, McKay, and Co., and Carver and Company.	Thompson, McKay, & Co., and Carver and Company.
21	The Hull Dock Company	- - - -	The Hull Dock Company.
22	Ditto	- - - -	The Hull Dock Company and W. J. Markcrow.
23	M. W. Clarke and others (executors of the late W. W. Hyde).	- - - -	Mrs. Hyde.
24	Henry Stephenson	- - - -	Henry Stephenson.
25	Mrs. Coverdale	- - - -	John Taylor.
26	Christopher Rice	- - - -	Christopher Rice.
27	William B. Moor	Samuel Ellyard	Charles Vinton.
28	P. T. Flodman and others, (Joseph Lambert's executors).	- - - -	Harriet Sanderson.
29	Ditto	- - - -	James Story.
30	Ditto	- - - -	John Griffin.
32	Harbord Harbord	- - - -	William Pycock.
33	Henry Escritt	- - - -	John Nevison.
34	Ditto	- - - -	Edward Wigney.
35	David Middlemist	- - - -	David Middlemist.
36	Ditto	- - - -	Ditto.
37	William Grainger	- - - -	Robert Proctor.
40	R. Walker's Executors	- - - -	John Turner.
41	Ditto	William Warden	W. B. Smith.
43	John Astrop and others	- - - -	Edward Chaloner.

No. on Plan.	Names of Owners.	Names of Lessees.	Names of Occupiers.
		North Church Side Improvement.	
54	William Doughty and another—Trustees of Mr. and Mrs. Robert Hall, and the said Mr. and Mrs. Robert Hall.	Freshney and Keyworth -	Freshney and Keyworth.
54	The Vicar and Churchwardens of Holy Trinity.	- - - -	The Vicar and Churchwardens of Holy Trinity.
		Leadenhall Square Improvement.	
23	James Elliott - -	- - - -	James Elliott.
24	William Fenton - -	- - - -	William Fenton.

NOTTINGHAM.

Provisional Order, putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Local Board for the Borough of Nottingham, for the Purchase and taking of Lands by the said Board, otherwise than by Agreement.—Local Government Act* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Nottingham, being the Local Board in and for the District of the said Borough, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises, for the purpose of enabling them to widen, alter, and improve certain streets or roads within such Borough.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Local Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such lands, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Mayor, Aldermen, and Burgesses of the Borough of Nottingham, being the Local Board for the said Borough, shall be empowered to put in force, with reference to the messuages or tenements, buildings, lands, hereditaments, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this 21st day of March 1863.

(Signed) G. Grey.

The SCHEDULE referred to in the foregoing Order.

The Lands, Houses, Buildings, Hereditaments, and Premises proposed to be taken for the Purposes set forth in the preceding Order, and which are situate in the Borough of Nottingham, are the following, the Figures in the Second Column referring to those on the Plan of the said Hereditaments and Premises deposited at the Office of the Surveyor of the said Local Board, St. Peter's Church Side, Nottingham, in the month of November 1862, and mentioned in the Petition of the aforesaid Local Board herein-before referred to.

Messuages, Buildings, Lands, Hereditaments, and Premises proposed to be taken.	No. on the said Plan.	Owners or reputed Owners.	Occupiers.
House, Shop, Warehouse, and Premises in or near Bottle Lane and Bridlesmith Gate.	1	The Mayor, Aldermen, and Burgesses of the Borough of Nottingham.	Alexander Kilham Sutton.
House, Shop, Warehouse, Passage, and Premises in or near Bridlesmith Gate and Bottle Lane.	2, and part of 3	Mary Ann Henson, Richard Beresford Henson, and Thomas Wright Henson.	Joseph Brown and Daniel Smart.
Warehouses, Printing Offices, and Premises, in or near Bottle Lane.	3	The same - - -	Alexander Kilham Sutton.
Common Yard and Premises in or near Bottle Lane.	4	The same - - -	Joseph Brown, Daniel Smart, and Alexander Kilham Sutton.
House, Shop, Passages, Outbuildings, and Premises in or near Lister Gate.	5, 6, and 7	Thomas Baines - -	Henry Milward Baines and William Henry Baines.
House, Shop, Warehouse, and Premises in or near Lister Gate.	8	Thomas Fox - - -	Unoccupied.
Warehouse, Slaughter-house, and Premises in or near Lister Gate.	9	The same - - -	John Chapman and Edward Martin.
Common Yard, Passage, Outbuildings, and Premises, in or near Lister Gate.	10, 11, 12, and 13	The same - - -	John Chapman, Edward Martin, James Bridger, William Henry Bostock, Hugh Atherstone Mann, and William Bakes.
House, Shop, and Premises in or near Lister Gate.	14	The same - - -	John Chapman.
House, Shop, and Premises in or near Lister Gate.	15	The same - - -	James Bridger.
House, Shop, Outbuildings, and Premises in or near Lister Gate.	16 and 18	The same - - -	Edward Martin.
House, Shop, and Premises in or near Lister Gate.	17	The same - - -	William Bakes.
House, Shop, and Premises in or near Lister Gate.	19	The same - - -	William Henry Bostock.
House, Shop, and Premises in or near Lister Gate.	20	The same - - -	Hugh Atherstone Mann.

Messuages, Buildings, Lands, Hereditaments, and Premises proposed to be taken.	No. on the said Plan.	Owners or reputed Owners.	Occupiers.
Common Yard and Premises in or near Lister Gate.	21	Thomas Fox - - -	Edward Martin, William Henry Bostock, Hugh Atherstone Mann, and William Bakes.
Outbuildings or Kitchens, Warehouse, Outbuildings, and Premises in or near Lister Gate.	22, 23, 24, 25, 26, and 27.	The same - - -	William Bakes, William Henry Bostock, and Hugh Atherstone Mann.
House, Shop, and Premises in or near Lister Gate.	28	The same - - -	William Henry Robinson.
Warehouse, Cellars, and Premises in or near Lister Gate.	29	The same - - -	William Bakes, Hugh Atherstone Mann, William Henry Bostock, William Smith, and William Henry Robinson.
Warehouse and Premises in or near Lister Gate.	30	The same - - -	William Henry Robinson.
Warehouse and Premises in or near Lister Gate.	31	The same - - -	Charles Daft.
Common Yard, Common Passage, Outbuildings, and Premises in or near Lister Gate.	32, 33, and 34.	The same - - -	Charles Daft, William Smith, William Henry Robinson, and Elizabeth Spencer Goodall.
House, Shop, and Premises in or near Lister Gate.	35	The same - - -	Elizabeth Spencer Goodall.
House, Shop, and Premises in or near Lister Gate.	36	The same - - -	William Smith.
House, Shop, and Premises in or near Lister Gate.	37 and 38	Frederick Brewster - -	James Smith (Lessee and Occupier).
Common Ashpit, Common Yard, and Premises in or near Lister Gate.	39 and 40	The Mayor, Aldermen, and Burgesses of the Borough of Nottingham and Frederick Brewster.	Zachariah Shaw, Robert Tomlinson, James Smith, and Thomas Stevenson.
Houses or Tenements, Shops, Outbuildings, and Premises in or near Lister Gate.	42, 43, 41, 44, 45, and 46.	The Mayor, Aldermen, and Burgesses of the Borough of Nottingham.	Thomas Stevenson, Robert Tomlinson, and Zachariah Shaw.
Public House, Brewhouse, Kitchen, Stables, Outbuildings, Yards, and Premises in or near Broad Marsh	47, 51, 50, 53, 54, and 48.	William Squire - -	Ira Stafford.
Common Yard and Premises in or near Broad Marsh.	48 and 49	William Squire and Mary Ann White.	Ira Stafford and Edward Dance.
House, Shop, and Premises in or near Broad Marsh.	52, part of 51, and part of 54.	Mary Ann White - -	Edward Dance.
House, Shop, Warehouse, Outbuildings, Yard, and Premises in or near Lister Gate.	55, 56, 57, 58, 59, and 60.	William Shipley - -	Thomas Towle.
House, Shop, Bakehouse, Stable, Outbuildings, Yard, and Premises in or near Lister Gate.	61, 63, 64, 65, and 66.	William Royce - -	William Royce.
Common Passage in or near Lister Gate.	62	The same and Joseph Crabtree.	Joseph Crabtree, William Royce, Oswald Garratt, James Voce, and Ann King.
House, Shop, Rooms, Yard, Outbuildings, and Premises in or near Lister Gate.	67, 68, 69, and 70.	Joseph Crabtree - -	Joseph Crabtree and Ann King.
House and Premises in or near Lister Gate.	71	The same - - -	James Voce.
Common Yard and Premises in or near Lister Gate.	72	The same - - -	Oswald Garratt and James Voce.
Workshops or Tenements and Premises in or near Lister Gate.	73	The same - - -	Oswald Garratt.
House, Shop, Slaughter-house, Outbuildings, Yard, Passage, and Premises in or near Lister Gate.	74, 75, 76, 77, and 78.	John Carver - - -	Abraham Jamison.
Parts of Public House, Dwelling House, Shop, Passages, and Premises in or near Lister Gate.	79, 80, 81, 82, and 83.	The Mayor, Aldermen, and Burgesses of the Borough of Nottingham.	William Marriott, Edward King, Elizabeth King, and Thomas Woolley (Lessee and Occupier).

BRADFORD.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Bradford Local Board of Health, for the Purchase of Land by the said Board for Street Improvements.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Bradford, in the county of York, by the Council of the said Borough, the said Council being the Local Board of Health for the District of the Borough aforesaid, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition to me as one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of carrying out certain street improvements within the District of the said Local Board of Health.

And whereas the said Petition duly set forth the pieces of land and the buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board ; and such petition prayed that the said Board might, with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement ; and on the receipt of such petition, I, as Her Majesty's Principal Secretary of State for the Home Department, directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The Mayor, Aldermen, and Burgesses of the Borough of Bradford, in the county of York, being the Local Board of Health for the District of the said Borough, shall be empowered to put in force, with reference to the lands and buildings referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my hand this 21st day of March 1863.

(Signed) G. Grey.

SCHE-

SCHEDULE referred to in the preceding Order.

The PIECES of LAND and the BUILDINGS proposed to be taken as described in the foregoing Order, are the following :—

FIRST PART.

Comprising the Lands required for the Improvement of Street called Well Street.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
1	Hay Warehouse, Stable, Shed, and Yard.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth Wright, and John Field Wright.	- - -	John Laycock, Thomas Mills.
2	House and Shop	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes	George Hoffman.
3	House and Shop	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Edward Seed and Isaac Hammond.	William Prest.
4	Privy and Ashpit	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Mary Ann Greenhough and Joseph Greenhough, junior.	George Hoffman, William Prest, James Tweed, Joseph Rhodes, and William Rhodes, Thomas Birch Bradford, Sarah Waddington, Charles Smythe Johnson, Edward Rhodes.
5	Temperance Hotel and Dwelling House.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Mary Ann Greenhough and Joseph Greenhough, junior.	James Tweed.
6	House and Currier's Shop.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	Joseph Rhodes and William Rhodes.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
7	Yard - -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Mary Ann Greenhough and Joseph Greenhough, junior, Joseph Rhodes.	Joseph Rhodes, James Tweed, William Rhodes.
8	Tobacconist's Shop.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company	Joseph Rhodes -	Thomas Birch Bradford.
9	House, Shop, and Yard.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	Sarah Waddington.
10	Dram Shop	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes. -	Charles Smythe Johnson.
11	Yard - -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Edward Seed, Isaac Hammond, Joseph Rhodes, Mary Ann Greenhough, and Joseph Greenhough, junior.	Joseph Rhodes, George Hoffman, William Prest, James Tweed, William Rhodes, Thomas Birch Bradford, Sarah Waddington, Charles Smythe Johnson, Edward Rhodes.
12	Stable - -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	Joseph Rhodes and William Rhodes.
13	Slaughter-house	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	George Hoffman.
14	Currier's Warehouse.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	Joseph Rhodes and William Rhodes.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
15	Coal Cellar -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	Sarah Waddington.
16	Wool Warehouse	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	Edward Rhodes.
17	Blacksmith's Shop.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth Wright, and John Field Wright.	- - -	William Leathley.
18	Gighouse - -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth Wright, and John Field Wright.	- - -	Joseph Oddy, Thomas Oddy, and William Oddy.
19	Vacant Land -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth Wright, and John Field Wright.	—	—
20	Stable - -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth, Wright, and John Field Wright.	- -	Edward Rhodes.

SECOND PART (SECTION A.)

Comprising the Lands required for the Improvement of the East Side of the North End of Market Street.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
22	Yard and Passage	William Watson and Stephen Watson, James Leeming, Simeon Hardy Swaine.	Samuel Martin, Michael Calvert.	Samuel Martin, William Watson and Stephen Watson, Michael Calvert, Simeon Hardy Swaine.
23	Shed, Stable, Watercloset, and Coalplace.	William Watson and Stephen Watson.	- - -	William Watson and Stephen Watson.
24	Shop and Warehouse.	James Leeming -	Samuel Martin, Michael Calvert.	Samuel Martin, Michael Calvert.
25	House, Shop, Yard, Privy, Coalplace, and Areas.	Simeon Hardy Swaine	- - -	Simeon Hardy Swaine.
26	Shop - -	George Knowles -	- - -	Isaac Ellis Patchett.
27	Shop - -	Rev. John Walker -	Elizabeth Simpson, John Murray, and William Simpson.	Elizabeth Simpson, John Murray and William Simpson, Simeon Hardy Swaine.
28	Passage - -	Hannah Green, Rev. John Walker, George Knowles, Simeon Hardy Swaine, James Leeming, William Watson, and Stephen Watson.	Elizabeth Simpson, John Murray, and William Simpson.	Joseph Wilkinson, Elizabeth Simpson, John Murray and William Simpson, Isaac Ellis Patchett, Simeon Hardy Swaine, Michael Calvert, William Watson and Stephen Watson, Samuel Martin.
29	Shop - -	Hannah Green -	- - -	Joseph Wilkinson.
30	Wool Warehouse	Benjamin Briggs Popplewell.	- - -	Edward Haley, Thomas Taylor.
31	House and detached Pantry.*	Benjamin Briggs Popplewell.	- - -	Samuel Leach.
32	Dram Shop, Warehouse, Stable, Storeroom, Bottlehouse, Staircase, and Offices.	Benjamin Briggs Popplewell.	- - -	Benjamin Briggs Popplewell, Benjamin Terry, and John Watson.
33	Passage, Yard, Coalplace, Privy, and Ashpit.	Benjamin Briggs Popplewell.	- - -	Benjamin Briggs Popplewell, Benjamin Terry and John Watson, Samuel Leach.

SECOND PART (SECTION B.)

Comprising the Lands required for the Improvement of Market Street on the North-west Side thereof, adjoining Lower Cheapside.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
34	Saddler's Shop and Piece Room.	John Stead - -	George Parkinson and Robert Clark.	Denbigh Scott, William Wilkinson, Thomas Hartley and Samuel Priestley, James Holroyd.
35	Beer House and Piece Room.	John Stead - -	George Parkinson and Robert Clark.	James Holroyd, William Wilkinson, Thomas Hartley, and Samuel Priestley.
36	Warehouse -	John Stead - -	George Parkinson and Robert Clark.	Sharp Greenwood, James Holroyd.
37	Forecourt - -	John Stead - -	George Parkinson and Robert Clark.	Denbigh Scott, James Holroyd, Sharp Greenwood, William Wilkinson, Thomas Hartley, and Samuel Priestley.
38	Offices, Rooms, Cellar, and Watercloset.	Benjamin Greenwood, Samuel Laycock, Trustee under the Will of the late James Hobson.	- - -	George Edmund Donisthorpe, John Crofts and Richard Dawson, Joshua Wood, Joseph Bentham, John Marshall Jowett, William Christopher Watson, and James Bland.
39	Passage and Yard	Benjamin Greenwood, Samuel Laycock, Trustee under the Will of the late James Hobson, James Greaves Tetley Parkinson, Alfred Ogden.	William Rouse -	George Edmund Donisthorpe, John Crofts and Richard Dawson, Joshua Wood, Joseph Bentham, John Marshall Jowett, William Christopher Watson and James Bland, Henry Mason, James Mallison, Hannah Ogden, Alfred Ogden, James Greaves Tetley Parkinson, Maurice Goggin, John Glover.
40	Piece Room -	Benjamin Greenwood, Samuel Laycock, Trustee under the Will of the late James Hobson.	- - - -	Henry Mason.
41	Piece Room -	Benjamin Greenwood, Samuel Laycock, Trustee under the Will of the late James Hobson.	- - - -	James Mallison.

SECOND PART (SECTION C.)

Comprising the Lands required for the Improvement of the Centre of Market Street.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
42	Shop and Offices	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Thomas Taylor, William Roberts, Abraham Laycock.
43	House, Shop, and Offices.	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Sarah Ambler, William Roberts.
44	House and Shop	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Tattersall Wilkinson (late unoccupied).
45	House and Shop	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	John Goddard.
46	Warehouses -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Joseph Robinson, Benjamin Greenwood, John Goddard.
47	Shop - -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Joseph Wood.
48	Piece Room -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Unoccupied.
49	Piece Room -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Joseph Holdsworth and Thomas Holdsworth.
50	Office and Cellar	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Ward.
51	House and Shop	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	James Taylor.
52	Warehouse -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	James Taylor, John Hall.
53	Piece Room -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Hall.
54	Warehouse -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Thomas Sharp, John Hall.
55	Shop and Cellar	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Hall.
56	Passage and Piece Rooms (over).	Elizabeth Rawson and Mary Rawson, Mayor, Aldermen, and Burgesses of Bradford.	The Bradford Exchange Company (Limited).	Mayor, Aldermen, and Burgesses of Bradford. Walker Holmes.
57	Public Footpath and Urinal.	Elizabeth Rawson and Mary Rawson, Mayor, Aldermen, and Burgesses of Bradford.	The Bradford Exchange Company (Limited).	Mayor, Aldermen, and Burgesses of Bradford.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
58	Passage, Vacant Ground, and Ashpit,	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited), Henry Hodgson Haigh, and Thomas Crabtree (Trustees for the Commercial Banking Company).	Thomas Taylor, William Roberts, Abraham Laycock, Sarah Ambler, Tattersall Wilkinson, John Goddard, Joseph Robinson, Benjamin Greenwood, Joseph Wood, Joseph Holdsworth and Thomas Holdsworth, John Ward, James Taylor, John Hall, Thomas Sharp, Walker Holmes, John Poppleston, —— Jameson, John Fawcett, Rudolphus Egan, Henry Varley, Mary Bentley, Edward Haley, William Atkinson, John Pearson, and Benjamin Firth, Joseph Smith, John Harrison, John Foster Horsfall, John Foster, Samuel Firth, Samuel Baines, John Priestley, Jeremiah Ambler, Henry Christopher Poole, Samuel Wignall and John Wignall, Joshua Hainsworth, William Rhodes, William Shackleton, John Burgess, Noah Smith, James Mitchell.
59	Shop and Offices	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Poppleston, —— Jameson.
60	Shop - -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Unoccupied.
61	Shop, Offices, and Cellar.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Fawcett, Rudolphus Egan, Henry Varley.
62	House, Shop, and Warehouse.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Mary Bentley, Edward Haley.
63	Shop, Showroom, and Warehouse.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Edward Haley.
64	Offices and Piece Rooms.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Unoccupied.
65	Offices, Stable, and Piece Room.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	William Atkinson, John Pearson, and Benjamin Firth.
66	Wool Warehouse.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood.
67	Provision Stores and Piece Rooms.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Joseph Smith, Benjamin Greenwood, John Harrison, John Foster Horsfall, John Foster.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
68	Warehouse and Piece Rooms.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood, Samuel Firth, Samuel Baines.
69	Piece Rooms -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Priestley, Jeremiah Ambler, Samuel Baines.
70	Warehouse -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Samuel Wignall and John Wignall, Benjamin Greenwood, Henry Christopher Poole.
71	Shop and Warehouses.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Joshua Hainsworth, Benjamin Greenwood, Henry Christopher Poole.
72	Shop and Warehouses.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood, Henry Christopher Poole.
73	Shop and Warehouses.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood, Henry Christopher Poole.
74	Piece Room -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	William Rhodes, Benjamin Greenwood, Henry Christopher Poole.
75	Piece Room -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood, Henry Christopher Poole.
76	Piece Room -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	William Shackleton, Benjamin Greenwood, Henry Christopher Poole.
77	Piece Room -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Burgess, Noah Smith, John Priestley.
78	Piece Room -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	James Mitchell.
79	Provision Stores and Piece Rooms.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Joseph Smith, John Foster.
80	Passages, Yard, Steps, and Staircases.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Samuel Wignall and John Wignall, Joshua Hainsworth, John Priestley, Benjamin Greenwood, John Burgess, William Rhodes, Joseph Smith, Jeremiah Ambler, Samuel Firth, James Mitchell, Noah Smith, John Harrison, John Foster Horsfall, John Foster, Samuel Baines, John Priestley, Henry Christopher Poole.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.

SECOND PART (SECTION D.)

Comprising Lands required for the proposed New Street from Market Street to the bottom of Manchester Road.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
81	Shop, Warehouse, and Counting-house.	Henry Pearson -	- - -	Silas Scott.
82	Shop and Warehouse.	Henry Pearson -	- - -	John Taylor and Edward Clifton, Silas Scott.
83	Yard, Privies, and Ashpit.	Henry Pearson -	- - -	John Taylor and Edward Clifton, Silas Scott.
84	Bowling Green Hotel, Frontage, Dram Shop, Bottling Room, Warehouse, Stable, Gighouse, Coalhouse, Privies, Ashpit, and Yard.	John Ward (Trustee of the late Susan Ward).	John Lupton. - -	John Lupton.
85	Shop, Warehouse, Frontage, and Yard.	John Ward (Trustee of the late Susan Ward).	- - -	Richard Fawcett.
86	House, Shop, Yard, Outbuildings, Coalplace, Privy, and Ashpit.	James Thistleton Haigh and James Aked.	- - -	Mary Archer and William Archer.
87	Stable - -	James Thistleton Haigh and James Aked.	- - -	Mary Archer and William Archer, Joseph Parkinson.
88	House, Shop, Warehouse, Yard, Privy, Ashpit, and Outbuildings.	James Thistleton Haigh and James Aked.	- - -	Edward Harland.
89	House, Yard, Workshop, Privy, Ashpit, and Outbuildings.	James Thistleton Haigh and James Aked.	- - -	William Pearson.
90	House, Yard, Privy, and Ashpit.	James Thistleton Haigh and James Aked.	- -	Michael Nelson.
91	Offices, Yard, Privy, and Ashpit.	Sarah Ann Oxtoby -	- - -	George Robert Mossman.
92	House, Yard, Privy, and Ashpit.	William Christopher Oxtoby and Sarah Oxtoby his wife.	- - -	Martha Smith.
93	Warehouse, Yard, and Passage.	Thomas Thwaites -	- - -	Thomas Bairstow Fox and Jonas Whitley.
93*a*	Warehouse and Countinghouse, Passage and Yard.	Thomas Thwaites -	- - -	Thomas Thwaites.

No. on Plan.	Lands to be taken.	Owners.	Leases.	Occupiers.
94	Warehouse, Shop, Yard and Outbuildings.	Thomas Thwaites -	- - -	Robert Hill.
95	Warehouse and and Countinghouse.	Thomas Thwaites -	- - -	Richard Pilkington, William Pilkington, and William Pilkington, junior.
96	Open Ground, "Tyrrel Square"	James Thistleton Haigh, and James Aked, Sarah Ann Oxtoby, William Christopher Oxtoby, and Sarah Oxtoby, his wife, Thomas Thwaites.	- - -	Mary Archer and William Archer, Joseph Parkinson, Edward Harland, William Pearson, Michael Nelson, George Robert Mossman, Martha Smith, Thomas Thwaites, Thomas Bairstow Fox, Jonas Whitley, Robert Hill, Richard Pilkington, William Pilkington, and William Pilkington, junior.
97	Warehouse -	John Sugden and Ruth Clayton.	- - -	Edmund Keighley Fox.
98	Public House called the "Horse Shoes Inn," Store Room, Stable, Yard, Privy, Ashpit, Outbuildings, and Passage.	John Sugden and Ruth Clayton.	- - -	John Sugden.
99	Private Road -	John Sugden and Ruth Clayton.	- - -	John Sugden, Joseph Cliff, Sarah Ann Philips, John Baldwin.
100	Stable and Manure Place.	Abraham Bower -	John Sugden -	John Sugden.
101	Shop - -	Abraham Bower -	John Sugden -	David Mortimer.
102	Shop - -	Abraham Bower -	John Sugden -	James Townend.
103	House - -	Abraham Bower -	- - -	Sarah Ann Philips.
104	House and Shop	Abraham Bower -	- - -	John Baldwin.
105	Yard, Privy, and Ashpit.	Abraham Bower -	- - - -	Sarah Ann Philips. John Baldwin.
106	House, Shop, Yard, Water Closet, Ashpit, and Passage.	Abraham Bower -	Jacob Edmondson -	Jacob Edmondson.
107	House and Shop	Abraham Bower -	- - - -	Joseph Farrar.
108	Warehouse and Countinghouse.	Abraham Bower -	- - - -	Henry Slee and Henry Welborne Slee.
109	Warehouse and Countinghouse.	Abraham Bower -	James Douglas and Samuel Mitchell.	James Douglas and Samuel Mitchell.
110	Warehouse and Countinghouse.	Abraham Bower -	Thomas Massey Pearce	Thomas Massey Pearce.
111	Warehouse and Countinghouse.	Abraham Bower -	William Schaub and Edward Schaub.	William Schaub and Edward Schaub.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
112	Yard, Privies, and Ashpits.	Abraham Bower -	William Schaub and Edward Schaub, Thomas Massey Pearce, James Douglas, and Samuel Mitchell.	William Schaub and Edward Schaub, Thomas Massey Pearce, James Douglas, and Samuel Mitchell, Henry Slee, and Henry Welborne Slee.

In the Townships of Bradford and Horton.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
113	Gateway -	Abraham Bower -	George Thomas Cheetham.	George Thomas Cheetham.
114	Warehouse -	Abraham Bower -	Louis Reichenheim, Mority Reichenheim, Leanor Reichenheim, Ferdinand Reichenheim, Adolph Reichenheim, Julius Reichenheim, and Nicholas Hermann Heydemann.	Gustavus Louis and Levi Louis.
115	House and Shop	Abraham Bower -	James Whaley -	James Whaley.

In the Township of Horton.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
116	Countinghouse, Private Offices, Store Rooms, Warehouses, and Stable.	Abraham Bower -	- - - -	William Singleton, Charles William Singleton, and Richard Harrison Singleton, William Greenwood.
117	Privy and Ashpit	Abraham Bower -	- - - -	William Singleton, Charles William Singleton, and Richard Harrison Singleton, William Greenwood.
118	Privies and Ashpit.	Abraham Bower -	Louis Reichenheim, Mority Reichenheim, Leanor Reichenheim, Ferdinand Reichenheim, Adolph Reichenheim, Julius Reichenheim, and Nicholas Hermann Heydemann.	Gustavus Louis and Levi Louis.
119	Privy, Henhouse, Yard, and Ashpit.	Abraham Bower -	James Whaley -	James Whaley.
120	Yard - -	Abraham Bower -	James Whaley, Louis Reichenheim, Mority Reichenheim, Leanor Reichenheim, Ferdinand Reichenheim, Adolph Reichenheim, Julius Reichenheim, and Nicholas Hermann Heydemann.	James Whaley, Gustavus Louis and Levi Louis, William Singleton, Charles William Singleton, and Richard Harrison Singleton, William Greenwood.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
		In the Township of Bradford.		
121	Iron Foundry, Offices, Countinghouse, Yards and Buildings (Part of "Old Foundry.")	Joseph Cliff, James Mawson, Thomas Mawson.	- - - -	Joseph Cliff.
122	Foundry, Workshops, Stables, Yard, Privy, and Ashpit (Part of "Old Foundry.")	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Joseph Cliff.
123	House, Shop, Yard, Privy, and Ashpit.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	George Fearnley Atkinson.
124	Whitesmith's shop	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Patrick William Byrne.
125	Workshop -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Charles Pearson.
126	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Robert Law, Charles Pearson.
127	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Robert Moorhouse, Robert Law.
128	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Mary Hopper, Robert Law.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
129	Public House, called "Pekin Music Hall," Dwellinghouse, Coalplace, Yard, Privies, Ashpit, and Passage.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	Matthew William Thompson.	Frederick North.
130	Provision Stores, Warehouse, and Stable.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Charles Wade Firth.
131	Private Road and Ashpit.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Joseph Cliff, Charles Wade Firth, Septimus Gale, Mary Hopper, Charles Perry, George William Jaques, Francis Allen, James Cook.
132	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - -	Septimus Gale.
133	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Charles Perry.
134	House Shop, Yard, Store Room, Warehouse, Water-closet, Privy, and Ashpit.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	Mary Hepper - -	Mary Hepper.
135	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	George William Jaques.
136	Beerhouse and Dwellinghouse.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	Daniel Riddiough -	Francis Allan.
137	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	George Hill - -	James Cook.

Third Part.

Comprising Lands required for the proposed New Street or Approach from Market Street to Old Market.

No on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
42	Shop and Offices	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Thomas Taylor, William Roberts, Abraham Laycock.
43	House, Shop, and Offices.	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Sarah Ambler, William Roberts.
44	Shop - -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Tattersall Wilkinson (late unoccupied).
45	Shop - -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	John Goddard.
46	Warehouses -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Joseph Robinson, Benjamin Greenwood, John Goddard.
47	Shop - -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Joseph Wood.
48	Piece Room -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Unoccupied.
58	Passage, Vacant Ground, and Ashpit.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited), Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Thomas Taylor, William Roberts, Abraham Laycock, Sarah Ambler, Tattersall Wilkinson, John Goddard, Joseph Robinson, Benjamin Greenwood, Joseph Wood, Joseph Holdsworth and Thomas Holdsworth, John Ward, James Taylor, John Hall,Thomas Sharp, Walker Holmes, John Poppleston, —— Jameson, John Fawcett, Rudolphus Egan, Henry Varley, Mary Bentley, Edward Haley, William Atkinson John Pearson and Benjamin Firth, Joseph Smith, John Harrison, John Foster Horsfall, John Foster, Samuel Firth, Samuel Baines, John Priestley, Jeremiah Ambler, Henry Christopher Poole, Samuel Wignall and John Wignall, Joshua Hainsworth, William Rhodes, William Shackleton, John Burgess, Noah Smith, James Mitchell.

FOURTH PART.

Comprising the Lands required for the Improvement of Street called Old Market.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
138	Shop - -	John Rawson and Thomas Buck.	- - - -	Joseph Hartley, John Lumsden, and Thomas Tindal.
139	Shop - -	John Rawson and Thomas Buck.	- - - -	Joseph Wright, John Lumsden, and Thomas Tindal.
140	Shop and Piece Room.	John Rawson and Thomas Buck.	- - - -	William Cass, John Smith, Roger Tatham.
141	Shop and Piece Room.	John Rawson and Thomas Buck.	- - - -	John Irwin, John Smith, Roger Tatham.
142	Shop and Piece Room.	John Rawson and Thomas Buck.	- - - -	Thomas Holmes late Samuel Robert Lawson, Robert Pickles, Edward Holmes Pickles, and Joseph Pickles.

FIFTH PART.

Comprising the Lands required for the proposed New Street from Market Street to Brook Street.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
144	Shop, Warehouses, Paint Shop, Forecourt, and Privy.	Elizabeth Rawson and Mary Rawson.	Sam Oddy - -	Sam Oddy.
145	Stable, Shed, Yard, and Privy.	Elizabeth Rawson and Mary Rawson.	Sam Oddy - -	Joseph Blamires.
146	Private Road and Yard.	Elizabeth Rawson and Mary Rawson.	Sam Oddy, John Ward, and William Ackroyd, James Wilson, Trustee for, and Henry Mason, Henry Brown, Alfred Illingworth, John Hollings, and Isaac Holden, Directors of, the Bradford District Bank (Limited).	Sam Oddy, Joseph Blamires, Henry Mason, Henry Brown, Alfred Illingworth, John Hollings, and Isaac Holden.
147	House, Shop, Yard, Bakehouse, and Workshop.	Mary Stanfield and Ann Stanfield	Martha Crowther -	Martha Crowther, Abraham Holmes.
148	Warehouse and Workshop.	Mary Stanfield and Ann Stanfield.	Martha Crowther -	Joseph Wilkinson, Abraham Holmes.
149	Part of Beck and Privy.	Mary Stanfield and Ann Stanfield.	Martha Crowther -	Martha Crowther, Abraham Holmes, Joseph Wilkinson.

No. of Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
150	Passage and Yard	Mary Stanfield and Ann Stanfield, William Metcalfe.	Martha Crowther.	Martha Crowther, Abraham Holmes, Joseph Wilkinson, George Howgill Blackburn, James Taylor, Henry Walker Pearson.
151	Yard, Privy, and Ashpit.	William Metcalfe -	- - - -	George Howgill Blackburn, James Taylor, Henry Walker Pearson.
152	Workshop and Warehouse.	William Metcalfe -	- - - -	Henry Walker Pearson James Taylor.
153	Cooperage -	William Metcalfe -	- - - -	James Taylor.
154	House and Shop	William Metcalfe -	- - - -	George Howgill Blackburn.
155	Shop, Warehouse, Yard, and Privy.	Mary Binns - -	- - - -	George Neesom and James Neesom.
156	Warehouse and Piece Rooms.	John Murgatroyd -	William Greenwood.	George Hartley late William Greenwood, Samuel Webster.
157	Blacksmith's Shop, Forge, Stable, Passage, Yard, and Privy.	Elizabeth Rawson and Mary Rawson.	Mary Willett - -	Samuel Parker.
158	Piece Room and Warehouse.	Elizabeth Rawson and Mary Rawson.	Mary Willett - -	John Priestman, Edward Rhodes.
159	Counting-house and Piece Room.	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	George Müller.
160	Office, Stable, and Warehouse.	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.
161	Gateway and Passage.	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale, George Müller.
162	Piece Room -	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	Hartley Merrall.
163	Piece Rooms -	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	John George Taylor.
164	Piece Rooms -	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	James Walker, John Wilson, James Wilson, junior, and John Hall, junior.

KINGSTON-UPON-HULL.

Provisional Order altering the Kingston-upon-Hull Improvement Act, 1854, *in force within the Borough of Kingston-upon-Hull, incorporating in it Provisions of the Towns Improvements Clauses Act,* 1847, *respecting Streets, providing for the Recovery of Expenses incurred in the making good of Streets, and extending Provisions for preventing Fraud in the Sale and Delivery of Coal.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, in their capacity of Local Board of Health for the Borough (herein-after called the Local Board), and acting in the execution of the Kingston-upon-Hull Improvement Act, 1854 (herein-after called the Improvement Act), have, under the Provisions of the Local Government Act, 1858, presented a Petition to me as one of Her Majesty's Principal Secretaries of State, praying to have conferred on them further powers with respect to the improvement of streets and the recovery of expenses incurred by them for the purpose; and for the alteration and extension of the provisions of the Improvement Act for preventing fraud in the sale and delivery of Coal, so as to comprise coal exported beyond the seas, as well as all other coal sold or delivered within or passing through a district comprising the Borough; and for the repeal and alteration of the Improvement Act so far as shall be necessary for those purposes.

And whereas in pursuance of the Local Government Act, 1858, inquiry has been directed and held within the Borough in respect of the several matters specified in such Petition, and report has been made to me thereon by William Ranger, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to those matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers by the Local Government Act, 1858, vested in me, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order, the Improvement Act shall be amended as follows, and shall be read and have effect accordingly; (that is to say,)

1. The following provisions of the Towns Improvement Clauses Act, 1847, shall be incorporated with the Improvement Act; (that is to say,)

With respect to paving and maintaining the streets, being sections 47 to 56, both inclusive;

With respect to laying out new streets, being sections 57 to 63, both inclusive.

2. For the purposes of these provisions, the expenses incurred by the Local Board with respect to streets, and to be recoverable under section 53 of the Towns Improvement Clauses Act, 1847, so incorporated with the Improvement Act, shall be deemed to be incurred when and so soon as the Local Board have entered into any contract, or given any order for the paving and flagging, or otherwise making good in accordance with that section, of any such street, and shall be recoverable by the Local Board accordingly.

3. Provided always that if the amount of the expenses so incurred be not expressed in the contract or order, the amount thereof shall, for the purposes of the recovery thereof by the Local Board, be estimated by their surveyor for the time being, and the amount so estimated and certified by him in writing under his hand to the Local Board, shall be so recoverable by them, but without prejudice to the recovery by them of any sum by which the amount of the expenses eventually incurred by them exceeds the amount so estimated.

4. Sections 96, 159, 160, 162, 163, 164, 174, 175, and 178 of the Improvement Act shall be repealed.

5. The provisions of sections 151 to 158 (both inclusive), 161, 165 to 173 (both inclusive), 176 and 177 of the Improvement Act, for the purpose of punishing and preventing frauds and impositions with respect to coal, and all other provisions of that Act, applicable in that behalf, and this provision and the following provisions respectively, shall be in force in all places within the district for the time being of the Local Board, and with respect to all coal brought to or sent from or passing through such district.

6. The provisions of sections 151 to 158 (both inclusive), 161, 165 to 173 (both inclusive), 176 and 177 of the Improvement Act, and all other provisions of that Act applicable in that behalf, shall be so in force for the purposes of the following provisions, and shall extend and be read, and have effect accordingly; that is to say,

Where, in these provisions, the owner of any coal, or the master of any vessel carrying coal, or the vendor of or dealer in coal is mentioned, his respective agent shall be included; and the inspector or inspectors of coals from time to time appointed under the Improvement Act shall be the inspector or inspectors of all coals which shall be brought for sale to, or sent from, or shall pass through such district of the Local Board, or any part thereof.

7. The owner of any coal brought within such district, or if carried by water the master of the vessel carrying it, shall, before such coal or any part thereof is sold or delivered, or otherwise dealt with within the said district, deliver to the inspector or inspectors as aforesaid, the original pit note denoting the quantity and quality thereof, which was delivered to such owner or master with the coal when it was obtained, and the inspector or inspectors shall register and file the same, and keep it in his or their office, and after the Local Board have by advertisement in the London Gazette, and once in each of six successive weeks in each of four London daily morning papers, and two newspapers published in the County of York, and by placards posted in conspicuous places within such district, and by hand-bills distributed there, giving public notice of this provision, a duplicate of such original pit note shall be sent to the said inspector or inspectors by the clerk or agent of the colliery whence the coal was obtained, by the post next after the delivery of the original pit note to the said owner or master as aforesaid, and the said inspector or inspectors shall thereupon register, file, and keep such duplicate in his or their office. If, however, the pit note do not sufficiently specify the quantity or quality of the coal, or there be not any such pit note delivered with the coal at the colliery or pit whence the coal was obtained, or if the pit note be lost, or if the vessel carrying the coal shall have been originally loaded for any other place and afterwards changed her destination without the proper pit note being accordingly delivered, or if the inspector or inspectors see other good and sufficient cause, then, and in every such case, the owner of the coal, or if carried by water, the master of the vessel carrying

it, shall deliver to the inspector or inspectors an account of the quality and quantity of the coal, setting forth when it was obtained, and at what place, and from what colliery, and shall verify the same by solemn statutory declaration in lieu of oath, and such inspector or inspectors shall receive and register, file, and keep in his or their office, every declaration so made.

8. The owner of any coal brought within the said district, or if carried by water, the master of the vessel carrying it, or the vendor of or dealer in the coal shall, before he sells, delivers, or deals with the coal, pay to the inspector or inspectors a tonnage rate at the rate of one half-penny for every ton of the coals.

9. On payment to the inspector or inspectors of the tonnage rate for coal, he or they shall make out, and give to the owner, master, or agent paying it, a certificate in writing, in such form as the Local Board may from time to time think proper and direct, and to be signed by such inspector or inspectors, setting forth the quantity, quality, and date of arrival within the said district of such coal.

10. If the coal be carried by water the certificate of the inspector or inspectors shall be affixed by the master of the vessel carrying it to the mast of the vessel, and be continued so affixed until the cargo be sold or delivered, or if the coal be delivered into any yard or place within the said district for sale, then the certificate shall be placed by the vendor of or dealer in the coal upon a board or pole in front of the heap of coal, and be continued so placed, until such heap be sold or disposed of; and the certificate shall be so affixed or placed immediately after the delivery thereof, or placed and continued in such other place and in such manner as the inspector or inspectors from time to time shall direct.

11. No sack shall be made use of in the delivery of coal within the said district, unless it be first marked by the inspector or inspectors with such distinctive mark as the Local Board from time to time may direct, and no sack shall be marked which is not at the time of the marking thereof capable of containing 140 lbs. weight of coal, and all sacks taken before the Mayor or other Justice within the said district, and found by him to be deficient in size or not properly marked, shall under his order be destroyed.

12. The ticket of any porter or carrier of coals within the said district may, if and when the Local Board so order, be worn and carried in such conspicuous manner as they may order instead of in front of his hat or cap.

13. Every owner of any cart employed for the carriage or delivery of coals within the said district, shall paint on it on each side in plain figures of not less than three inches in height and proportionate width, such distinctive number as shall be assigned to it by the inspector or inspectors.

14. Every porter or carrier of coal within the said district shall on being registered pay one shilling, and shall yearly thereafter while on the register on the first day of January pay one other shilling, and the owner of every cart employed in carrying coal within the said district shall on the cart being registered pay one shilling, and shall yearly thereafter while the cart is on the register, on the 1st day of January pay one shilling, and those payments shall be made to the inspector or inspectors.

15. The Local Board whenever they see occasion may reduce or raise (but not above the specified sums,) the sums to be from time to time paid under those provisions to the inspector or inspectors as the tonnage rate for coal, and by porters, carriers, and owners of carts.

16. The moneys from time to time paid under these provisions to the inspector or inspectors as the tonnage rate for coal, and by porters, carriers, and owners of carts, shall be accounted for and paid over by such inspector or inspectors, in the month of January in every year, to the treasurer of the Local Board, to the credit of their General District Fund Account.

17. If any owner of coal, or the master of any vessel carrying coal, knowingly commit any of the following offences; that is to say,

First.—Do not within 24 hours after the arrival of the coal within such district, or within such earlier period than 24 hours if he shall earlier deal with any coal within the said district, deliver to the inspector or inspectors the requisite pit note, account, or declaration relating thereto.

Secondly.—Make or deliver a false, feigned, or forged pit note.

Thirdly.—Alter, deface, erase, or mutilate any pit note.

Fourthly.—Do not affix or place, or continue the certificate of the inspector or inspectors, as he or they direct.

Fifthly.—Make or affix or place or continue any false, feigned, or forged certificate.

Sixthly.—Alter, deface, erase, or mutilate any certificate of the inspector or inspectors.

Seventhly.—Make or deliver a false or inaccurate account of the quantity or quality of the coal.

Eighthly.—Bring within the said district coal of one quality or sort for and as coal of a different quality or sort; or

Ninthly.—Make or deliver a false declaration of any matter with respect to which he is by the Improvement Act, or these provisions, required to make a declaration.

Every person so offending shall forfeit and pay any sum not exceeding one hundred pounds.

18. If the owner of any cart carry therein within the said district any coal without having the requisite figures painted thereon, every person so offending shall for every such offence forfeit any sum not exceeding twenty shillings.

19. If any person commit any offence against any of the provisions with respect to coal of the Improvement Act, or of these provisions, and for which no penalty is prescribed, he shall forfeit a sum not exceeding ten pounds.

20. All prosecutions and other proceedings under the Improvement Act, or these provisions, with respect to offences connected with coal, shall be instituted by the Local Board or their officers.

21. The Local Board, from time to time, may direct any prosecution or other proceedings to be taken for the recovery of any penalties under and for the punishment of any persons offending against any of these provisions, and may defray the expenses thereof as part of their general expenditure.

22. All penalties under the Improvement Act or these provisions shall be recoverable in accordance with the provisions of the Act of the Session of the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, with respect to the administration of justice.

Given under my Hand this Third day of July 1862.

(Signed) G. Grey.

RYDE.

Provisional Order for extending the Borrowing Powers of the Ryde Commissioners acting as Local Board within the District of Ryde, in the Isle of Wight.—Local Government Act, 1858.

Whereas the Local Government Act, 1858, has been duly adopted within the boundaries of the District of the Town of Ryde in the Isle of Wight, by the Commissioners acting under the provisions of the Ryde Improvement Act, 1854.

And whereas the said Commissioners acting as the Local Board for the said District have duly borrowed, under the Provisions of the Ryde Improvement Act, 1854, and of the Ryde Water Act, 1861, sums, amounting in the whole to Forty-three thousand three hundred Pounds (43,300*l.*), to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other works of a permanent nature under the aforesaid Acts ; and whereas a further sum of 3,600*l.* will be required to carry out and complete the said works for the supply of Water to Ryde, but such further sum, with the first herein-before mentioned sums will exceed the assessable value for one year of the premises assessable under the said Acts and the Local Government Act, 1858, within such district.

And whereas the said Commissioners acting as such Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for the purpose aforesaid, on mortgage of the rates leviable by the aforesaid Commissioners acting as such Local Board under the powers of the herein-before cited Acts, a sum or sums not exceeding in the whole Three thousand six hundred Pounds (3,600*l.*), which, with the amount already borrowed, will not exceed in the whole two years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted ; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Ryde Improvement Commissioners acting as the Local Board for the District of Ryde, in the Isle of Wight aforesaid, shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a further sum or sums, such further sum or sums not to exceed altogether Three thousand six hundred Pounds (3,600*l.*), which, together with the sums already borrowed by such Commissioners now acting as the Local Board aforesaid, will not exceed in the whole two years' assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this Twenty-sixth day of June 1862.

(Signed) G. Grey.

BEDFORD.

Provisional Order repealing and altering Parts of Local Acts in force within the District of the Bedford Local Board.—Local Government Act, 1858, *Sec.* 77.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Bedford, in the County of Bedford, by the Council of the Borough of Bedford, acting as the Local Board, in and for the said Borough, being the District within which portions of the Local Government Act, 1858, of the Public Health Act, 1848, and of the Local Government Act (1858) Amendment Act (1861) have been adopted, have, in pursuance of the Local Government Act, 1858, presented a petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of certain Local Acts of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the forty-third year of the reign of King George the Third (Cap. 128.), intituled "An Act for the improvement of the Town of Bedford, in the County of Bedford, and for rebuilding the bridge over the River Ouze, in the said town;" and

A certain other Act, passed in the fiftieth year of the reign of King George the Third (Cap. 82.), intituled "An Act for amending and enlarging the powers of an Act of His present Majesty, intituled 'An Act for the improvement of the Town of Bedford, in the County of Bedford, and for rebuilding the bridge over the River Ouze, in the said town.'"

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The parts of the said herein-before recited Local Acts passed respectively in the forty-third and fiftieth years of the reign of King George the Third [43 Geo. 3. (c. 128.), and 50 Geo. 3. (c. 82.)], specified in the Schedule hereunto annexed, shall be repealed.

2.—All debts and liabilities under the said Local Acts shall be dealt with and may be satisfied as debts and liabilities under the Local Government Act, 1858; and (anything in the said Local Government Act, 1858, notwithstanding,) it shall be lawful for the said Local Board, with such sanction as is required by the said Act for the borrowing of other sums by the said Local Board, to borrow such sums as shall be required to discharge the said debts and liabilities.

3.—All expenses under the said Acts shall be borne by the rates leviable in the said District under the said Local Government Act.

4.—All halls, gaols, schools, alms-houses (except the alms-houses founded by Christie Skinner, deceased, and except all houses which shall be built upon the site of and shall be used as the said alms-houses) and such other public buildings, within the said Borough as would not but for this Order be rateable to general district rates, shall (notwithstanding anything in the Local Government Act, 1858) be assessed to the general district rate to be levied under the provisions of the said Local Government Act at a rate not exceeding twopence for every square yard of the area of the said halls, gaols, schools, alms-houses, and other public buildings, respectively; and the sums so assessed upon any public building used by or provided by the County of Bedford shall be paid by the treasurer of the said County for the time being; and the sums so assessed upon any school, hospital, alms-houses, or other buildings belonging to the trustees of the Bedford Charity shall be paid by the clerk to the said trustees for the time being; and the sums so assessed upon any building used for the public purposes of the said Borough shall be paid by the treasurer of the Borough for the time being; and the sums so assessed upon any school, alms-house, or other public building, the payment of which last-mentioned sums is not herein-before provided for, shall be paid by the masters, trustees, or managers thereof respectively or by any occupier thereof respectively; and all sums assessed in pursuance hereof shall be recoverable from the persons by whom the same shall be payable as aforesaid, as if the said several sums were assessed on the same persons respectively: Provided always, that no assessment which shall be made by virtue of the powers herein-before contained shall exceed the amount at which such halls, gaols, schools, alms-houses, and other public buildings respectively were rated and assessed to the last rate or assessment made in pursuance of the said Local Acts, unless at the time when such halls, gaols, schools, alms-houses, and other public buildings respectively shall be rated and assessed by virtue of the powers herein contained the area thereof respectively shall be larger than the area thereof respectively at the time when the said last rate or assessment was made.

5.—The said Local Board may, and they are hereby required to repair the bridge built over the River Ouze in pursuance of the Bedford Local Acts (43 Geo. 3. c. 128. and 50 Geo. 3. c. 82.), and the expense of such repairs shall be defrayed out of the said General District Rate, and in case any sudden or extraordinary damage shall happen to the said bridge, or the same shall become so much out of repair as to be impassable or in danger of becoming so, the said Local Board may and they are hereby empowered and required from time to time to repair such damage; and in order to defray the expense of such repairs and all costs and charges incident thereto, the said Local Board may and they are hereby empowered to erect a toll-house and toll-gate, and to demand and receive such tolls as shall be fixed from time to time by the said Local Board with the sanction of One of Her Majesty's Principal Secretaries of State, until the expenses of such repairs and all costs and charges incident thereto shall be paid and satisfied, and which said tolls shall be vested in the said Local Board for the purpose aforesaid.

Given under my Hand this Third day of July 1862.

(Signed) G. GREY.

Schedule to which this Order refers.

The Parts of the Local Act 43 Geo. 3. c. 128. herein-before referred to in this Order to be repealed are as follows; that is to say,—

All the sections of the said Local Act numbered 1 to 10, both inclusive. 15, 16, 17 (except so much of the last-mentioned section as provides that nothing contained in the said Act shall affect the right of the Corporation of Bedford, or of the Duke of Bedford, to rents or tolls of markets and fairs) 21 to 35, both inclusive (except so much of the last-mentioned section as gives the Commissioners named in the said Local Act certain power over a public drain called King's Ditch). 36 to 44, both inclusive. 46 to 66, both inclusive. 70. So much of section 84 as relates to a sum of 900*l.* therein mentioned. 85, and so much of section 86 as relates to borrowing on security of rates. 87 to 91, both inclusive. 110 to 119, both inclusive.

The parts of the second herein-before recited Local Act, that is to say, 50 Geo. 3. c. 82., to be repealed are the following:—Sections 1 to 7, both inclusive; and so much of section 13 as removes the liability of the Mayor, Bailiffs, Burgesses and Commonalty of the town and borough of Bedford to repair the present bridge, or any bridge to be hereafter erected and built instead thereof.

CROYDON.

Provisional Order for altering the Provisional Order applying the Public Health Act, 1848, *to the District of Croydon, in the County of Surrey.—Local Government Act*, 1858.

Whereas by a Provisional Order of the General Board of Health, bearing date the 14th day of July 1849, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1849, the said Public Health Act has been duly applied to the District of Croydon, in the County of Surrey.

And whereas, by such Provisional Order as aforesaid, the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at twelve, the entire number to be elected for the whole of such District.

And whereas the Local Board of Health for the said District of Croydon have, in pursuance of the Local Government Act, 1858, (Sect. 77,) presented a petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Provisional Order in so far as such Order relates to the number of members to constitute the Local Board of Health for such District.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The number of members to constitute the Local Board of Health for the District of Croydon shall be fifteen, anything in the Croydon Provisional Order of the General Board of Health, bearing date the 14th day of July 1849, and so confirmed as aforesaid, to the contrary notwithstanding.

2.—Of the said fifteen members, twelve be allotted to and be elected by the Croydon ward of the aforesaid District, the boundaries of which said Croydon ward have been duly fixed and determined and sanctioned by me under the provisions of the 24th Section of the Local Government Act, 1858; and that three of the said fifteen members be allotted to and elected by the Norwood ward of the aforesaid District, the boundaries of which said Norwood ward have been duly fixed and determined and sanctioned by me under the provisions of the 24th Section of the Local Government Act, 1858, aforesaid, and that the first election for the Norwood ward do take place within one month from the date of the passing of the Act confirming this Order.

3.—One-third in number of the twelve members to be so elected for the Croydon ward, and one-third in number of the three members to be so elected for the Norwood ward, shall annually go out of office on the day fixed by the aforesaid Provisional Order, bearing date the 14th day of July 1849.

4.—The one-third to retire for and in respect of the Croydon ward shall be as at present arranged by the Local Board of Health aforesaid, and at the usual time the member annually to retire for and in respect of the Norwood ward at Easter 1863 and at Easter 1864 shall be such member among the three elected to represent the Norwood ward as shall have attended the least number of times during the year preceding such retirement; and during subsequent years the third of such members for the said Norwood ward to retire shall go out by rotation.

Given under my Hand this Second day of July 1862.

(Signed) G. GREY.

BATLEY.

Provisional Order for altering the Order in Council applying the Public Health Act, 1848, *to the District of Batley in the County of York.—Local Government Act,* 1858.

Whereas, by an Order of Her most Gracious Majesty in Council, bearing date the 21st day of February 1853, made under the Provisions of the Public Health Act, 1848, the said Public Health Act has been duly applied to the District of Batley in the West Riding of the county of York.

And whereas, by such Order as aforesaid, the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at nine, the entire number to be elected for the whole of such District.

And whereas the Local Board of Health for the said District have, in pursuance of the Local Government Act, 1858, (Sect. 77,) presented a petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Order in so far as such Order relates to the number of members to constitute the Local Board of Health for such District.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The number of members to constitute the Local Board of Health for the District of Batley shall be fifteen, anything in the Batley Order in Council herein-before recited, and bearing date the 21st day of February 1853, to the contrary notwithstanding.

2.—Of the said fifteen members six be allotted to the East ward of the aforesaid District of Batley, the boundaries of which said East ward have been duly fixed and determined and sanctioned by me under the Provisions of the 24th Section of the Local Government Act, 1858; and that three of the said fifteen members be allotted to and elected by each of the other three wards so fixed and determined and sanctioned by me as aforesaid, viz., the South-east ward, the South-west ward, and the North ward respectively, and that the first election for the aforesaid wards do take place within one month from the date of the passing of the Act confirming this Order.

3.—One-third in number of the six members to be so elected for the East ward, and one-third in number of the three members to be so elected for each of the other three wards of the said District of Batley, shall annually go out of office on the day fixed by the aforesaid Order in Council bearing date the 21st day of February 1853.

Given under my Hand this 21st day of March 1863.

(Signed) G. Grey.

BERWICK-UPON-TWEED.

Provisional Order for extending the Borrowing Powers of the Berwick-upon-Tweed Local Board of Health.—Local Government Act, 1858.

Whereas the Public Health Act, 1848, has been duly applied to the District of the Corporate Borough of Berwick-upon-Tweed.

And whereas the Local Board of Health for the said District have duly borrowed, under the Provisions of that Act and of the Local Government Act, 1858, sums, amounting in the whole to Fourteen thousand four hundred Pounds, to defray the expense of works for the Drainage of, and Supply of Water to, the said District, being works of a permanent nature under the aforesaid Acts: And whereas a further sum will be required to carry out and complete the said works, and to carry out other works of a permanent nature but such further sum, with that herein-before mentioned, will exceed the assessable value for one year of the premises assessable under the said Acts within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the aforesaid Acts, a sum or sums which, with the amount already borrowed, shall not exceed in the whole two years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board of Health for the District of Berwick-upon-Tweed shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a sum or sums which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, shall not exceed in the whole the sum of Twenty-two thousand five hundred Pounds, the said last-mentioned sum not exceeding two years' assessable value of the premises assessable under such Acts within the aforesaid District; the aforesaid sum or sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this 21st day of March 1863.

(Signed) G. Grey.

SHEERNESS.

Provisional Order for extending the Borrowing Powers of the Sheerness Local Board of Health.—Local Government Act, 1858.

Whereas the Local Board of Health for the District of Sheerness, in the county of Kent, as constituted under the Public Health Act, 1848, and the Local Government Supplemental Act, 1860 (No. 2), have duly borrowed, under the Provisions of the Public Health Act, 1848, and of the Local Government Act, 1858, a sum of Twenty thousand Pounds, to defray the expense of works for the Sewerage of and Supply of Water to the said District, being works of a permanent nature under the aforesaid Acts; and whereas a further sum will be required to carry out and complete the said works, but such further sum, with the herein-before mentioned 20,000*l.*, will exceed the assessable value for one year of the premises assessable under the said Acts within such District of Sheerness, constituted as aforesaid.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the aforesaid Acts, a sum or sums which, with the amount already borrowed, shall not exceed in the whole two years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by Robert Rawlinson, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board of Health for the District of Sheerness in the county of Kent shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a further sum, not exceeding Ten thousand Pounds, which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, will not exceed in the whole two years' assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums already borrowed and to be further borrowed under the authority of this present Order, and of the Act confirming the same, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this 20th day of October 1862.

(Signed) G. GREY.

BROMSGROVE.

Provisional Order altering parts of a Local Act in force within the District of the Bromsgrove Local Board.—Local Government Act, 1858.

Whereas the Local Government Act, 1858, was on the Fourteenth day of October 1859 duly adopted within the Parish of Bromsgrove in the county of Worcester by the Commissioners acting under and by virtue of the Bromsgrove Improvement and Small Tenement Act, 1846: And whereas by a Provisional Order bearing date the twenty-fourth day of April 1861, confirmed by the Local Government Supplemental Act, 1861, all that portion of the said district of the Parish of Bromsgrove not comprised within the limits of the Town of Bromsgrove, as such limits are defined in the 64th section of the herein-before recited Bromsgrove Improvement and Small Tenement Act, 1846, (9 & 10 Vict. cap. 124.,) was separated from the said District, and the District of Bromsgrove, under the Local Government Act, 1858, was by the herein-before recited Local Government Supplemental Act, 1861, confined within the limits of the Town of Bromsgrove, as the same are defined by the said 64th section of the herein-before recited Bromsgrove Improvement and Small Tenement Act, 1846.

And whereas the said Commissioners, as Local Board for such District, altered as aforesaid, have in pursuance of the provisions of the Local Government Act, 1858, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for alteration of the second and one hundred and seventh sections of the Bromsgrove Improvement and Small Tenement Act, 1846, in relation to the election of such Commissioners and the area of rating for the purposes of "An Occupiers' Rate," under the last herein-before recited Act.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The following parts of the said herein-before recited Bromsgrove Local Act passed in the ninth and tenth years of the reign of Her present Majesty (9 & 10 Vict. cap. 124.), viz., sections two and one hundred and seven, be altered by omitting the word "Parish" from such sections and substituting the word "Town" in place thereof; the limits of the said town being those defined in the sixty-fourth section of the Bromsgrove Improvement and Small Tenement Act, 1846: Provided always, that nothing in this Order contained shall in any manner lessen or affect the liability of any ratepayer to pay any rate, signed and allowed before the day of the date of this Order, anything herein contained to the contrary notwithstanding.

Given under my hand this 21st day of March 1863.

(Signed) G. Grey.

MATLOCK BATH.

Provisional Order for altering the Boundaries of the District of Matlock in the County of Derby, under the Provisions of the Local Government Act, 1858.—*Local Government Act,* 1858.

Whereas a petition has been duly presented to me, as one of Her Majesty's Principal Secretaries of State, under the Provisions of the 77th Section of the Local Government Act, 1858, and duly signed by a majority of the owners and ratepayers of the District of Matlock Bath, as settled for the purposes of the aforesaid Act, and which District forms part of the Parish of Matlock in the County of Derby, by which Parish the aforesaid Local Government Act, 1858, has been duly adopted, praying for the separation of the aforesaid District of Matlock Bath, settled as is herein-before described, from the said District of the Parish of Matlock.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition, and report has been made to me thereon by William Ranger, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said Matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That from and after the passing of any Act of Parliament confirming this Order—

1.—The District of the Local Board for the Parish of Matlock in the County of Derby by which the Local Government Act, 1858, has been duly adopted as aforesaid, be altered by so much of the aforesaid District as is comprised within the boundaries of the District of Matlock Bath, as settled under the provisions and for the purposes of the said Act, by an Order made by me, as one of Her Majesty's Principal Secretaries of State as aforesaid, on the ninth day of November 1861, being excluded from the District of the aforesaid Local Board for the Parish of Matlock.

2.—At every election of Members of the Local Board aforesaid which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District of the Matlock Local Board, as altered by this Order, and by the votes of owners of, and ratepayers in respect of, property situate within the District so altered.

Given under my hand this 20th day of October 1862.

(Signed) G. GREY.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of Basford, Teignmouth, Kingston-upon-Hull, Nottingham, Bradford, Ryde, Bedford, Croydon, Batley, Berwick-upon-Tweed, Sheerness, and Bromsgrove.

Preamble.

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act, that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and further Provision made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in Schedule confirmed.

1. The Provisional Orders contained in the Schedule hereunto annexed shall from and after the passing of this Act be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

This Act incorporated with 21 & 22 Vict. c 98.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

3. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1863."

SCHE-

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. **Basford.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Basford Local Board for Street Improvements.
2. **Teignmouth.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land by the Teignmouth Local Board for the Formation of a public Road.
3. **Kingston-upon-Hull.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the Kingston-upon-Hull Local Board of Health for Street Improvements.
4. **Nottingham.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the Nottingham Local Board of Health for Street Improvements, &c.
5. **Bradford.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands by the Bradford Local Board of Health for Street Improvements.
6. **Kingston-upon-Hull.**—Altering the Kingston-upon-Hull Improvement Act, 1854, incorporating in it Provisions of the Towns Improvement Clauses Act, 1847, respecting Streets, and for other Purposes.
7. **Ryde.**—Extending the Borrowing Powers of the Ryde Commissioners acting as the Local Board within the Ryde District in the Isle of Wight.
8. **Bedford.**—Repealing and altering Parts of Local Acts in force within the District of the Bedford Local Board.
9. **Croydon.**—Altering the Provisional Order applying the Public Health Act, 1848, to the District of Croydon in the County of Surrey.
10. **Batley.**—Altering the Order in Council applying the Public Health Act, 1848, to the District of Batley in the County of York.
11. **Berwick-upon-Tweed.**—Extending the Borrowing Powers of the Berwick-upon-Tweed Local Board of Health.
12. **Sheerness.**—Extending the Borrowing Powers of the Sheerness Local Board of Health.
13. **Bromsgrove.**—Altering Parts of Local Act in force within the District of the Bromsgrove Local Board.

BASFORD.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Basford Local Board in the County of Nottingham, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act,* 1858.

Whereas the Basford Local Board in and for the District of Basford in the County of Nottingham have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, duly presented a Petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land and certain buildings for the purpose of enabling them to alter and improve certain streets in the said District, as set forth and described in such Petition.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Basford, in the County of Nottingham, shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, and in the Petition herein-before referred to, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my Hand this Eleventh day of June 1862.

(Signed) G. Grey.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Premises proposed to be taken, as described in the foregoing Order, are the following :—

Property proposed to be taken.	No. on Plan.	Owner.	Occupier.
Garden land	1	Thos. Danks	Thos. Danks.
Ditto	2	Ditto	Edward Clarke.
Club room and garden land	3	Ann Chamberlain	Ann Chamberlain.
Garden land and building	13	James Smith	James Smith.
Garden land	14	Benjamin Abbot	Thomas Fox.
Ditto	15	Thomas Smedley and William Ivory Fletcher.	Thomas Hanson.
Ditto	16		Edward Brailsford.
Ditto	17		James Blyton.
Ditto	18		William Hopcraft.
Ditto	19		Thomas Smedley.
Ditto	20		Samuel Dodson.
Back yard and premises	21	William Clay	Alfred Torr.
Ditto	22		Sarah Kent.
Ditto	23		Ann Buckland.
Ditto	24		Unoccupied.
Ditto	25		John Fox.
Ditto	26		William Wallwin.
Ditto	27		John Woodward.
Ditto	28		John Shipstone.
Garden land and outbuilding	29	William Birkin	William Birkin.
Ditto	30	George Smith	George Smith.
Garden land	31	Robert Wright	Robert Wright.
Garden land and premises	32	Sarah Knight	Mark Mitchell.
Ditto	33		Mary Osborne.
Yard, stable, and premises	34	William Frost	George Diggle. John Ford. Thomas Keeling.
Dwelling-house	35	Fred. Harwood Ward	Thomas Bradbury.
Dwelling-houses and garden land	37	Rich. Vickerstaff	Ruth Godber.
Dwelling-house	38		Thos. Osborne.
Ditto	39		Unoccupied.
Ditto	40		Ditto.
Ditto	41		Ditto.
Ditto	42	William Marriott	William Marriott.
Ditto	43	Mary Corden	Mary Corden.
Ditto	44	Ditto	Ditto.
Garden land	45	Elias Alton	Harriet Perrons.
Ditto	46	William Maltby	Richard Spencer.
House, premises, and garden land	47		Ann Henson.

TEIGNMOUTH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Teignmouth Local Board, for the Purchase of Land by the said Board for a Public Road.—Local Government Act,* 1858.

Whereas the Local Government Act, 1858, has been duly adopted by the Commissioners for the Improvement of the Town of Teignmouth in the County of Devon; and whereas the said Local Government Act, 1858, has now the force of law within the district of the town of Teignmouth aforesaid; and whereas the said Commissioners, acting as Local Board under such Act, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, duly adopted by them as aforesaid, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition to me as one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land and certain buildings for the purpose of forming a road or public highway within the District of the said Local Board.

And whereas the said Petition duly set forth the pieces of land and the buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might with reference to such lands and buildings be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The Teignmouth Improvement Commissioners aforesaid, being the Local Board for the District of Teignmouth in the County of Devon, shall be empowered to put in force, with reference to the lands and buildings referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Fifth day of June 1862.

(Signed) G. Grey.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken, as described in the foregoing Order, are the following (the numbers in column 2 referring to the numbers on the Plan accompanying the Local Board's Petition to the Secretary of State):—

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owners or reputed Owners.	Lessees and Occupiers or reputed Lessees and Occupiers.
Part of a Field called Long Meadow, containing 1 rood and 36 perches.	1	George Ferris Whidborne, George Moir, and John Hellyer Tozer.	William Parsons.
Part of fields called Buckeridge Fields, Blackallers and Little Allers, containing 1 rood and 28 perches.	2, 3, 4, & 5	George Ferris Whidborne, George Moir, and John Hellyer Tozer.	William Cotton.
Part of a field called Long Park, containing 11 perches.	6	Sanderson John Howe	William Mann.
Part of a field called Lower Heath Park, containing 1 rood.	7	Charles Langley and William Henry Langley.	William Mann.
Part of fields called Rickyard, containing 18 perches.	8	John Rendell and Thomas Pidsley.	Henry Hoare.
Part of fields called Big Paradise, Little Mead, and Little Paradise, containing 28 perches.	9 and 10	George Frederick Truscott and the Rev. Charles Rodwell Roper.	Thomas Gribble and Henry Lake Hirtzel.
Part of a field called Paradise, containing 22 perches.	11	The Trustees of Grendon's Charity, viz.,—George Braund, James Commin, Charles Davey, Alfred Evans, Henry Lake Hirtzel, William Hooper, Charles Kingdon, Kent Kingdon, William Miles, Patrick Miller, James Pasmore, Edward Andrew Sanders, Thomas Snow, Perry Sparkes, John Hull Terrell.	Thomas Gribble and Henry Lake Hirtzel.
Part of a field called Outer Moor, containing 8 perches.	12	The Right Hon. the Earl of Devon, Samuel Trehawke Kekewich, George Frederick Truscott, and the Rev. Charles Rodwell Roper.	George Frederick Truscott and the Rev. Charles Rodwell Roper, William Coles. (William Coles, Occupier.)
Part of a field called Inner Moor, containing 6 perches.	13	George Frederick Truscott and the Rev. Charles Rodwell Roper.	Lewis Galsworthy.

Description of Lands, Messuages, Buildings, and Premises.	No. on Plan.	Owners or reputed Owners.	Lessees and Occupiers or reputed Lessees and Occupiers.
Occupation Road.	19	The Right Hon. the Earl of Devon, Samuel Trehawke Kekewich, George Frederick Truscott, the Rev. Charles Rodwell Roper, William Pearce Blake, and Frances Warren.	William Coles, Lewis Galsworthy, Jane Brimage, James Peard Ley, and John Luce (Occupiers).
Part of a field called Little Ham, containing 18 perches.	14	Frances Warren - -	Jane Brimage, James Peard Ley (Occupiers).
Part of fields called Stone field and Middle Stone field, containing 1 rood and 3 perches.	15 and 16	Henry Boulton Pennell	Henry Boulton Pennell (Occupier).
Part of a field called Butter Knoll Meadow, containing 1 rood and 26 perches.	17	Henry Boulton Pennell	Edward Palk, Thomas Gribble, and Henry Lake Hirtzel.
Part of a field called John's Well, containing 26 perches.	18	Jacob Bickford Bartlett and Alexander Foxcroft Ridgway.	Ellis Dunrich.

KINGSTON-UPON-HULL.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the Borough of Kingston-upon-Hull, for the Purchase of Lands by the Local Board of Health of the aforesaid Borough for Street Improvements.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, in their capacity of Local Board of Health for the District of the said Borough, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, duly presented a petition to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land and certain buildings for the purpose of enabling them to alter and improve certain streets in the said District, as set forth and described in such Petition.

And whereas the said Petition duly set forth the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed WILLIAM RANGER, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Kingston-upon-Hull shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, and in the Petition herein-before referred to, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand this 21st day of March 1863.

(Signed) G. GREY.

SCHEDULE referred to in the preceding Order.

The PIECES of LAND and the PREMISES proposed to be taken, as described in the foregoing Order, are the following :—

No. on Plan.	Names of Owners.	Names of Lessees.	Names of Occupiers.
	Salthouse Lane and High Street Improvement.		
52	Mary Gleadow - -	- - - -	Henry Fussey.
53	Robert Newton - -	- - - -	William Abba.
	Waterhouse Lane Improvement.		
44	The Rev. J. D. Frost -	- - - -	Robert Bricklebank.
45	Ditto - - -	- - - -	Henry Marwood.
46	Ditto - - -	- - - -	Samuel Grayson.
47	Ditto - - -	- - - -	John Nevison.
48	Ditto - - -	- - - -	A. G. Sollitt.
	Myton Place and Castle Row Improvements.		
1	The Mayor, Aldermen, and Burgesses of Hull.	Anthony William Westoby	Anthony William Westoby.
2	Ditto - - -	Thos. Rymers and others (F. Appleyard's Devisees).	Thos. R. Halfyard.
3	Ditto - - -	Ditto - - -	Daniel Waghorn.
4	Ditto - - -	Ditto - - -	Martha Ridsdale.
5	Ditto - - -	Ditto - - -	Hannah Anderson.
6	Ditto - - -	J. S. Easterby and others (Assignees of James Isaac Markcrow, a Bankrupt).	James Isaac Markcrow.

No. on Plan.	Names of Owners.	Names of Lessees.	Names of Occupiers.
7	The Mayor, Aldermen, and Burgesses of Hull.	Eliza Dibb - - -	Edward Parkin.
8	Ditto - - -	Ditto - - -	George Jinman.
9	Joseph Parrott - -	- - - -	Samuel Decent.
10	Ditto - - -	- - - -	Thos. Rainster.
11	Ditto - - -	- - - -	Joseph Parrott.
12	John Ellis - - -	- - - -	Thomas Annis.
13	Ditto - - -	- - - -	James Mitchell.
14	Ditto - - -	- - - -	James Foster.
15	Ditto - - -	- - - -	John Crispin.
16	Ditto - - -	- - - -	Samuel Parkin.
17	Ditto - - -	- - - -	Joseph Griffin.
18	Richard Wilbe and others -	- - - -	Richard Wilbe and others.
19	The Mayor, Aldermen, and Burgesses of Hull.	Jesse Graves - -	Timothy Oliver.
20	Ditto - - -	Thompson, McKay, and Co., and Carver and Company.	Thompson, McKay, & Co., and Carver and Company.
21	The Hull Dock Company -	- - - -	The Hull Dock Company.
22	Ditto - - -	- - - -	The Hull Dock Company and W. J. Markcrow.
23	M. W. Clarke and others (executors of the late W. W. Hyde).	- - - -	Mrs. Hyde.
24	Henry Stephenson - -	- - - -	Henry Stephenson.
25	Mrs. Coverdale - -	- - - -	John Taylor.
26	Christopher Rice - -	- - - -	Christopher Rice.
27	William B. Moor - -	Samuel Ellyard - -	Charles Vinton.
28	P. T. Flodman and others, (Joseph Lambert's executors).	- - - -	Harriet Sanderson.
29	Ditto - - - -	- - - -	James Story.
30	Ditto - - -	- - - -	John Griffin.
32	Harbord Harbord - -	- - - -	William Pycock.
33	Henry Escritt - -	- - - -	John Nevison.
34	Ditto - - -	- - - -	Edward Wigney.
35	David Middlemist - -	- - - -	David Middlemist.
36	Ditto - - -	- - - -	Ditto.
37	William Grainger - -	- - - -	Robert Proctor.
40	R. Walker's Executors -	- - - -	John Turner.
41	Ditto - -	William Warden - -	W. B. Smith.
43	John Astrop and others -	- - - -	Edward Chaloner.

No. on Plan.	Names of Owners.	Names of Lessees.	Names of Occupiers.
		North Church Side Improvement.	
54	William Doughty and another—Trustees of Mr. and Mrs. Robert Hall, and the said Mr. and Mrs. Robert Hall.	Freshney and Keyworth -	Freshney and Keyworth.
54	The Vicar and Churchwardens of Holy Trinity.	- - - - -	The Vicar and Churchwardens of Holy Trinity.
		Leadenhall Square Improvement.	
23	James Elliott - -	- - - -	James Elliott.
24	William Fenton - -	- - - -	William Fenton.

NOTTINGHAM.

Provisional Order, putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Local Board for the Borough of Nottingham, for the Purchase and taking of Lands by the said Board, otherwise than by Agreement.—Local Government Act* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Nottingham, being the Local Board in and for the District of the said Borough, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises, for the purpose of enabling them to widen, alter, and improve certain streets or roads within such Borough.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Local Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such lands, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Mayor, Aldermen, and Burgesses of the Borough of Nottingham, being the Local Board for the said Borough, shall be empowered to put in force, with reference to the messuages or tenements, buildings, lands, hereditaments, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this 21st day of March 1863.

(Signed) G. GREY.

The SCHEDULE referred to in the foregoing Order.

THE LANDS, HOUSES, BUILDINGS, HEREDITAMENTS, and PREMISES proposed to be taken for the Purposes set forth in the preceding Order, and which are situate in the Borough of Nottingham, are the following, the Figures in the Second Column referring to those on the Plan of the said Hereditaments and Premises deposited at the Office of the Surveyor of the said Local Board, St. Peter's Church Side, Nottingham, in the month of November 1862, and mentioned in the Petition of the aforesaid Local Board herein-before referred to.

Messuages, Buildings, Lands, Hereditaments, and Premises proposed to be taken.	No. on the said Plan.	Owners or reputed Owners.	Occupiers.
House, Shop, Warehouse, and Premises in or near Bottle Lane and Bridlesmith Gate.	1	The Mayor, Aldermen, and Burgesses of the Borough of Nottingham.	Alexander Kilham Sutton.
House, Shop, Warehouse, Passage, and Premises in or near Bridlesmith Gate and Bottle Lane.	2, and part of 3	Mary Ann Henson, Richard Beresford Henson, and Thomas Wright Henson.	Joseph Brown and Daniel Smart.
Warehouses, Printing Offices, and Premises, in or near Bottle Lane.	3	The same	Alexander Kilham Sutton.
Common Yard and Premises in or near Bottle Lane.	4	The same	Joseph Brown, Daniel Smart, and Alexander Kilham Sutton.
House, Shop, Passages, Outbuildings, and Premises in or near Lister Gate.	5, 6, and 7	Thomas Baines	Henry Milward Baines and William Henry Baines.
House, Shop, Warehouse, and Premises in or near Lister Gate.	8	Thomas Fox	Unoccupied.
Warehouse, Slaughter-house, and Premises in or near Lister Gate.	9	The same	John Chapman and Edward Martin.
Common Yard, Passage, Outbuildings, and Premises, in or near Lister Gate.	10, 11, 12, and 13	The same	John Chapman, Edward Martin, James Bridger, William Henry Bostock, Hugh Atherstone Mann, and William Bakes.
House, Shop, and Premises in or near Lister Gate.	14	The same	John Chapman.
House, Shop, and Premises in or near Lister Gate.	15	The same	James Bridger.
House, Shop, Outbuildings, and Premises in or near Lister Gate.	16 and 18	The same	Edward Martin.
House, Shop, and Premises in or near Lister Gate.	17	The same	William Bakes.
House, Shop, and Premises in or near Lister Gate.	19	The same	William Henry Bostock.
House, Shop, and Premises in or near Lister Gate.	20	The same	Hugh Atherstone Mann.

Messuages, Buildings, Lands, Hereditaments, and Premises proposed to be taken.	No. on the said Plan.	Owners or reputed Owners.	Occupiers.
Common Yard and Premises in or near Lister Gate.	21	Thomas Fox - - -	Edward Martin, William Henry Bostock, Hugh Atherstone Mann, and William Bakes.
Outbuildings or Kitchens, Warehouse, Outbuildings, and Premises in or near Lister Gate.	22, 23, 24, 25, 26, and 27.	The same - - -	William Bakes, William Henry Bostock, and Hugh Atherstone Mann.
House, Shop, and Premises in or near Lister Gate.	28	The same - -	William Henry Robinson.
Warehouse, Cellars, and Premises in or near Lister Gate.	29	The same - - -	William Bakes, Hugh Atherstone Mann, William Henry Bostock, William Smith, and William Henry Robinson.
Warehouse and Premises in or near Lister Gate.	30	The same - - -	William Henry Robinson.
Warehouse and Premises in or near Lister Gate.	31	The same - - -	Charles Daft.
Common Yard, Common Passage, Outbuildings, and Premises in or near Lister Gate.	32, 33, and 34.	The same - - -	Charles Daft, William Smith, William Henry Robinson, and Elizabeth Spencer Goodall.
House, Shop, and Premises in or near Lister Gate.	35	The same - - -	Elizabeth Spencer Goodall.
House, Shop, and Premises in or near Lister Gate.	36	The same - - -	William Smith.
House, Shop, and Premises in or near Lister Gate.	37 and 38	Frederick Brewster - -	James Smith (Lessee and Occupier).
Common Ashpit, Common Yard, and Premises in or near Lister Gate.	39 and 40	The Mayor, Aldermen, and Burgesses of the Borough of Nottingham and Frederick Brewster.	Zachariah Shaw, Robert Tomlinson, James Smith, and Thomas Stevenson.
Houses or Tenements, Shops, Outbuildings, and Premises in or near Lister Gate.	42, 43, 41, 44, 45, and 46.	The Mayor, Aldermen, and Burgesses of the Borough of Nottingham.	Thomas Stevenson, Robert Tomlinson, and Zachariah Shaw.
Public House, Brewhouse, Kitchen, Stables, Outbuildings, Yards, and Premises in or near Broad Marsh	47, 51, 50, 53, 54, and 48.	William Squire - -	Ira Stafford.
Common Yard and Premises in or near Broad Marsh.	48 and 49	William Squire and Mary Ann White.	Ira Stafford and Edward Dance.
House, Shop, and Premises in or near Broad Marsh.	52, part of 51, and part of 54.	Mary Ann White - -	Edward Dance.
House, Shop, Warehouse, Outbuildings, Yard, and Premises in or near Lister Gate.	55, 56, 57, 58, 59, and 60.	William Shipley - -	Thomas Towle.
House, Shop, Bakehouse, Stable, Outbuildings, Yard, and Premises in or near Lister Gate.	61, 63, 64, 65, and 66.	William Royce - -	William Royce.
Common Passage in or near Lister Gate.	62	The same and Joseph Crabtree.	Joseph Crabtree, William Royce, Oswald Garratt, James Voce, and Ann King.
House, Shop, Rooms, Yard, Outbuildings, and Premises in or near Lister Gate.	67, 68, 69, and 70.	Joseph Crabtree - -	Joseph Crabtree and Ann King.
House and Premises in or near Lister Gate.	71	The same - - -	James Voce.
Common Yard and Premises in or near Lister Gate.	72	The same - - -	Oswald Garratt and James Voce.
Workshops or Tenements and Premises in or near Lister Gate.	73	The same - - -	Oswald Garratt.
House, Shop, Slaughter-house, Outbuildings, Yard, Passage, and Premises in or near Lister Gate.	74, 75, 76, 77, and 78.	John Carver - - -	Abraham Jamison.
Parts of Public House, Dwelling House, Shop, Passages, and Premises in or near Lister Gate.	79, 80, 81, 82, and 83.	The Mayor, Aldermen, and Burgesses of the Borough of Nottingham.	William Marriott, Edward King, Elizabeth King, and Thomas Woolley (Lessee and Occupier).

BRADFORD.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Bradford Local Board of Health, for the Purchase of Land by the said Board for Street Improvements.—Local Government Act*, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Bradford, in the county of York, by the Council of the said Borough, the said Council being the Local Board of Health for the District of the Borough aforesaid, have, in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition to me as one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of carrying out certain street improvements within the District of the said Local Board of Health.

And whereas the said Petition duly set forth the pieces of land and the buildings intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such petition prayed that the said Board might, with reference to such lands and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition, I, as Her Majesty's Principal Secretary of State for the Home Department, directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The Mayor, Aldermen, and Burgesses of the Borough of Bradford, in the county of York, being the Local Board of Health for the District of the said Borough, shall be empowered to put in force, with reference to the lands and buildings referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my hand this 21st day of March 1863.

(Signed) G. Grey.

SCHE-

SCHEDULE referred to in the preceding Order.

The PIECES of LAND and the BUILDINGS proposed to be taken as described in the foregoing Order, are the following :—

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
	FIRST PART.			
	Comprising the Lands required for the Improvement of Street called Well Street.			
1	Hay Warehouse, Stable, Shed, and Yard.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth Wright, and John Field Wright.	- - -	John Laycock, Thomas Mills.
2	House and Shop	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	George Hoffman.
3	House and Shop	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Edward Seed and Isaac Hammond.	William Prest.
4	Privy and Ashpit	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Mary Ann Greenhough and Joseph Greenhough, junior.	George Hoffman, William Prest, James Tweed, Joseph Rhodes, and William Rhodes, Thomas Birch Bradford, Sarah Waddington, Charles Smythe Johnson, Edward Rhodes.
5	Temperance Hotel and Dwelling House.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Mary Ann Greenhough and Joseph Greenhough, junior.	James Tweed.
6	House and Currier's Shop.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	Joseph Rhodes and William Rhodes.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
7	Yard	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Mary Ann Greenhough and Joseph Greenhough, junior, Joseph Rhodes.	Joseph Rhodes, James Tweed, William Rhodes.
8	Tobacconist's Shop.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company	Joseph Rhodes	Thomas Birch Bradford.
9	House, Shop, and Yard.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes	Sarah Waddington.
10	Dram Shop	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes.	Charles Smythe Johnson.
11	Yard	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Edward Seed, Isaac Hammond, Joseph Rhodes, Mary Ann Greenhough, and Joseph Greenhough, junior.	Joseph Rhodes, George Hoffman, William Prest, James Tweed, William Rhodes, Thomas Birch Bradford, Sarah Waddington, Charles Smythe Johnson, Edward Rhodes.
12	Stable	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes	Joseph Rhodes and William Rhodes.
13	Slaughter-house	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes	George Hoffman.
14	Currier's Warehouse.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes	Joseph Rhodes and William Rhodes.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
15	Coal Cellar -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	Sarah Waddington.
16	Wool Warehouse	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company.	Joseph Rhodes -	Edward Rhodes.
17	Blacksmith's Shop.	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth Wright, and John Field Wright.	- - -	William Leathley.
18	Gighouse - -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth Wright, and John Field Wright.	- - -	Joseph Oddy, Thomas Oddy, and William Oddy.
19	Vacant Land -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth Wright, and John Field Wright.	—	—
20	Stable - -	Sir Henry William Des Vœux, Christopher Holdsworth Dawson the younger, and John Wood, Trustees for the Low Moor Company, John Hamerton, Richard Sterne Carroll, Mary Ellen De Cardonel Wright, Rev. Thomas Booth, Wright, and John Field Wright.	- - -	Edward Rhodes.

Second Part (Section A.)

Comprising the Lands required for the Improvement of the East Side of the North End of Market Street.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
22	Yard and Passage	William Watson and Stephen Watson, James Leeming, Simeon Hardy Swaine.	Samuel Martin, Michael Calvert.	Samuel Martin, William Watson and Stephen Watson, Michael Calvert, Simeon Hardy Swaine.
23	Shed, Stable, Watercloset, and Coalplace.	William Watson and Stephen Watson.	- - -	William Watson and Stephen Watson.
24	Shop and Warehouse.	James Leeming -	Samuel Martin, Michael Calvert.	Samuel Martin, Michael Calvert.
25	House, Shop, Yard, Privy, Coalplace, and Areas.	Simeon Hardy Swaine	- - -	Simeon Hardy Swaine.
26	Shop - -	George Knowles -	- - -	Isaac Ellis Patchett.
27	Shop - -	Rev. John Walker -	Elizabeth Simpson, John Murray, and William Simpson.	Elizabeth Simpson, John Murray and William Simpson, Simeon Hardy Swaine.
28	Passage - -	Hannah Green, Rev. John Walker, George Knowles, Simeon Hardy Swaine, James Leeming, William Watson, and Stephen Watson.	Elizabeth Simpson, John Murray, and William Simpson.	Joseph Wilkinson, Elizabeth Simpson, John Murray and William Simpson, Isaac Ellis Patchett, Simeon Hardy Swaine, Michael Calvert, William Watson and Stephen Watson, Samuel Martin.
29	Shop - -	Hannah Green -	- - -	Joseph Wilkinson.
30	Wool Warehouse	Benjamin Briggs Popplewell.	- - -	Edward Haley, Thomas Taylor.
31	House and detached Pantry.	Benjamin Briggs Popplewell.	- - -	Samuel Leach.
32	Dram Shop, Warehouse, Stable, Storeroom, Bottlehouse, Staircase, and Offices.	Benjamin Briggs Popplewell.	- - -	Benjamin Briggs Popplewell, Benjamin Terry, and John Watson.
33	Passage, Yard, Coalplace, Privy, and Ashpit.	Benjamin Briggs Popplewell.	- - -	Benjamin Briggs Popplewell, Benjamin Terry and John Watson, Samuel Leach.

SECOND PART (SECTION B.)

Comprising the Lands required for the Improvement of Market Street on the North-west Side thereof, adjoining Lower Cheapside.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
34	Saddler's Shop and Piece Room.	John Stead - -	George Parkinson and Robert Clark.	Denbigh Scott, William Wilkinson, Thomas Hartley and Samuel Priestley, James Holroyd.
35	Beer House and Piece Room.	John Stead - -	George Parkinson and Robert Clark.	James Holroyd, William Wilkinson, Thomas Hartley, and Samuel Priestley.
36	Warehouse -	John Stead - -	George Parkinson and Robert Clark.	Sharp Greenwood, James Holroyd.
37	Forecourt - -	John Stead - -	George Parkinson and Robert Clark.	Denbigh Scott, James Holroyd, Sharp Greenwood, William Wilkinson, Thomas Hartley, and Samuel Priestley.
38	Offices, Rooms, Cellar, and Watercloset.	Benjamin Greenwood, Samuel Laycock, Trustee under the Will of the late James Hobson.	- - -	George Edmund Donisthorpe, John Crofts and Richard Dawson, Joshua Wood, Joseph Bentham, John Marshall Jowett, William Christopher Watson, and James Bland.
39	Passage and Yard	Benjamin Greenwood, Samuel Laycock, Trustee under the Will of the late James Hobson, James Greaves Tetley Parkinson, Alfred Ogden.	William Rouse -	George Edmund Donisthorpe, John Crofts and Richard Dawson, Joshua Wood, Joseph Bentham, John Marshall Jowett, William Christopher Watson and James Bland, Henry Mason, James Mallison, Hannah Ogden, Alfred Ogden, James Greaves Tetley Parkinson, Maurice Goggin, John Glover.
40	Piece Room -	Benjamin Greenwood, Samuel Laycock, Trustee under the Will of the late James Hobson.	- - - -	Henry Mason.
41	Piece Room -	Benjamin Greenwood, Samuel Laycock, Trustee under the Will of the late James Hobson.	- - - -	James Mallison.

SECOND PART (SECTION C.)

Comprising the Lands required for the Improvement of the Centre of Market Street.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
42	Shop and Offices	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Thomas Taylor, William Roberts, Abraham Laycock.
43	House, Shop, and Offices.	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Sarah Ambler, William Roberts.
44	House and Shop	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Tattersall Wilkinson (late unoccupied).
45	House and Shop	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	John Goddard.
46	Warehouses -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Joseph Robinson, Benjamin Greenwood, John Goddard.
47	Shop - -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Joseph Wood.
48	Piece Room -	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Unoccupied.
49	Piece Room -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Joseph Holdsworth and Thomas Holdsworth.
50	Office and Cellar	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Ward.
51	House and Shop	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	James Taylor.
52	Warehouse -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	James Taylor, John Hall.
53	Piece Room -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Hall.
54	Warehouse -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Thomas Sharp, John Hall.
55	Shop and Cellar	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Hall.
56	Passage and Piece Rooms (over).	Elizabeth Rawson and Mary Rawson, Mayor, Aldermen, and Burgesses of Bradford.	The Bradford Exchange Company (Limited).	Mayor, Aldermen, and Burgesses of Bradford. Walker Holmes.
57	Public Footpath and Urinal.	Elizabeth Rawson and Mary Rawson, Mayor, Aldermen, and Burgesses of Bradford.	The Bradford Exchange Company (Limited).	Mayor, Aldermen, and Burgesses of Bradford.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
58	Passage, Vacant Ground, and Ashpit,	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited), Henry Hodgson Haigh, and Thomas Crabtree (Trustees for the Commercial Banking Company).	Thomas Taylor, William Roberts, Abraham Laycock, Sarah Ambler, Tattersall Wilkinson, John Goddard, Joseph Robinson, Benjamin Greenwood, Joseph Wood, Joseph Holdsworth and Thomas Holdsworth, John Ward, James Taylor, John Hall, Thomas Sharp, Walker Holmes, John Poppleston, —— Jameson, John Fawcett, Rudolphus Egan, Henry Varley, Mary Bentley, Edward Haley, William Atkinson, John Pearson, and Benjamin Firth, Joseph Smith, John Harrison, John Foster Horsfall, John Foster, Samuel Firth, Samuel Baines, John Priestley, Jeremiah Ambler, Henry Christopher Poole, Samuel Wignall and John Wignall, Joshua Hainsworth, William Rhodes, William Shackleton, John Burgess, Noah Smith, James Mitchell.
59	Shop and Offices	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Poppleston, —— Jameson.
60	Shop - -	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Unoccupied.
61	Shop, Offices, and Cellar.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Fawcett, Rudolphus Egan, Henry Varley.
62	House, Shop, and Warehouse.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Mary Bentley, Edward Haley.
63	Shop, Showroom, and Warehouse.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Edward Haley.
64	Offices and Piece Rooms.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Unoccupied.
65	Offices, Stable, and Piece Room.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	William Atkinson John Pearson, and Benjamin Firth.
66	Wool Warehouse.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood.
67	Provision Stores and Piece Rooms.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Joseph Smith, Benjamin Greenwood, John Harrison, John Foster Horsfall, John Foster.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
68	Warehouse and Piece Rooms.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood, Samuel Firth, Samuel Baines.
69	Piece Rooms	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Priestley, Jeremiah Ambler, Samuel Baines.
70	Warehouse	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Samuel Wignall and John Wignall, Benjamin Greenwood, Henry Christopher Poole.
71	Shop and Warehouses.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Joshua Hainsworth, Benjamin Greenwood, Henry Christopher Poole.
72	Shop and Warehouses.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood, Henry Christopher Poole.
73	Shop and Warehouses.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood, Henry Christopher Poole.
74	Piece Room	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	William Rhodes, Benjamin Greenwood, Henry Christopher Poole.
75	Piece Room	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Benjamin Greenwood, Henry Christopher Poole.
76	Piece Room	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	William Shackleton, Benjamin Greenwood, Henry Christopher Poole.
77	Piece Room	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	John Burgess, Noah Smith, John Priestley.
78	Piece Room	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	James Mitchell.
79	Provision Stores and Piece Rooms.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Joseph Smith, John Foster.
80	Passages, Yard, Steps, and Staircases.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited).	Samuel Wignall and John Wignall, Joshua Hainsworth, John Priestley, Benjamin Greenwood, John Burgess, William Rhodes, Joseph Smith, Jeremiah Ambler, Samuel Firth, James Mitchell, Noah Smith, John Harrison, John Foster Horsfall, John Foster, Samuel Baines, John Priestley, Henry Christopher Poole.

SECOND PART (SECTION D.)

Comprising Lands required for the proposed New Street from Market Street to the bottom of Manchester Road.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
81	Shop, Warehouse, and Counting-house.	Henry Pearson -	- - -	Silas Scott.
82	Shop and Warehouse.	Henry Pearson -	- - -	John Taylor and Edward Clifton, Silas Scott.
83	Yard, Privies, and Ashpit.	Henry Pearson -	- - -	John Taylor and Edward Clifton, Silas Scott.
84	Bowling Green Hotel, Frontage, Dram Shop, Bottling Room, Warehouse, Stable, Gighouse, Coalhouse, Privies, Ashpit, and Yard.	John Ward (Trustee of the late Susan Ward).	John Lupton. - -	John Lupton.
85	Shop, Warehouse, Frontage, and Yard.	John Ward (Trustee of the late Susan Ward).	- - -	Richard Fawcett.
86	House, Shop, Yard, Outbuildings, Coalplace, Privy, and Ashpit.	James Thistleton Haigh and James Aked.	- - -	Mary Archer and William Archer.
87	Stable - -	James Thistleton Haigh and James Aked.	- - -	Mary Archer and William Archer, Joseph Parkinson.
88	House, Shop, Warehouse, Yard, Privy, Ashpit, and Outbuildings.	James Thistleton Haigh and James Aked.	- - -	Edward Harland.
89	House, Yard, Workshop, Privy, Ashpit, and Outbuildings.	James Thistleton Haigh and James Aked.	- - -	William Pearson.
90	House, Yard, Privy, and Ashpit.	James Thistleton Haigh and James Aked.	- -	Michael Nelson.
91	Offices, Yard, Privy, and Ashpit.	Sarah Ann Oxtoby -	- -	George Robert Mossman.
92	House, Yard, Privy, and Ashpit.	William Christopher Oxtoby and Sarah Oxtoby his wife.	- - -	Martha Smith.
93	Warehouse, Yard, and Passage.	Thomas Thwaites -	- - -	Thomas Bairstow Fox and Jonas Whitley.
93*a*	Warehouse and Countinghouse, Passage and Yard.	Thomas Thwaites -	- - -	Thomas Thwaites.

No. on Plan.	Lands to be taken.	Owners.	Leases.	Occupiers.
94	Warehouse, Shop, Yard and Outbuildings.	Thomas Thwaites	- - -	Robert Hill.
95	Warehouse and and Counting-house.	Thomas Thwaites	- - -	Richard Pilkington, William Pilkington, and William Pilkington, junior.
96	Open Ground, "Tyrrel Square."	James Thistleton Haigh, and James Aked, Sarah Ann Oxtoby, William Christopher Oxtoby, and Sarah Oxtoby, his wife, Thomas Thwaites.	- - -	Mary Archer and William Archer, Joseph Parkinson, Edward Harland, William Pearson, Michael Nelson, George Robert Moesman, Martha Smith, Thomas Thwaites, Thomas Bairstow Fox, Jonas Whitley, Robert Hill, Richard Pilkington, William Pilkington, and William Pilkington, junior.
97	Warehouse	John Sugden and Ruth Clayton.	- - -	Edmund Keighley Fox.
98	Public House called the "Horse Shoes Inn," Store Room, Stable, Yard, Privy, Ashpit, Outbuildings, and Passage.	John Sugden and Ruth Clayton.	- - -	John Sugden.
99	Private Road	John Sugden and Ruth Clayton.	- - -	John Sugden, Joseph Cliff, Sarah Ann Philips, John Baldwin.
100	Stable and Manure Place.	Abraham Bower	John Sugden	John Sugden.
101	Shop	Abraham Bower	John Sugden	David Mortimer.
102	Shop	Abraham Bower	John Sugden	James Townend.
103	House	Abraham Bower	- - -	Sarah Ann Philips.
104	House and Shop	Abraham Bower	- - -	John Baldwin.
105	Yard, Privy, and Ashpit.	Abraham Bower	- - -	Sarah Ann Philips. John Baldwin.
106	House, Shop, Yard, Water Closet, Ashpit, and Passage.	Abraham Bower	Jacob Edmondson	Jacob Edmondson.
107	House and Shop	Abraham Bower	- - -	Joseph Farrar.
108	Warehouse and Countinghouse.	Abraham Bower	- - -	Henry Slee and Henry Welborne Slee.
109	Warehouse and Countinghouse.	Abraham Bower	James Douglas and Samuel Mitchell.	James Douglas and Samuel Mitchell.
110	Warehouse and Countinghouse.	Abraham Bower	Thomas Massey Pearce	Thomas Massey Pearce.
111	Warehouse and Countinghouse.	Abraham Bower	William Schaub and Edward Schaub.	William Schaub and Edward Schaub.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
112	Yard, Privies, and Ashpits.	Abraham Bower -	William Schaub and Edward Schaub, Thomas Massey Pearce, James Douglas, and Samuel Mitchell.	William Schaub and Edward Schaub, Thomas Massey Pearce, James Douglas, and Samuel Mitchell, Henry Slee, and Henry Welborne Slee.
		In the Townships of Bradford and Horton.		
113	Gateway -	Abraham Bower -	George Thomas Cheetham.	George Thomas Cheetham.
114	Warehouse -	Abraham Bower -	Louis Reichenheim, Mority Reichenheim, Leanor Reichenheim, Ferdinand Reichenheim, Adolph Reichenheim, Julius Reichenheim, and Nicholas Hermann Heydemann.	Gustavus Louis and Levi Louis.
115	House and Shop	Abraham Bower -	James Whaley -	James Whaley.
		In the Township of Horton.		
116	Countinghouse, Private Offices, Store Rooms, Warehouses, and Stable.	Abraham Bower -	- - - -	William Singleton, Charles William Singleton, and Richard Harrison Singleton, William Greenwood.
117	Privy and Ashpit	Abraham Bower -	- - - -	William Singleton, Charles William Singleton, and Richard Harrison Singleton, William Greenwood.
118	Privies and Ashpit.	Abraham Bower -	Louis Reichenheim, Mority Reichenheim, Leanor Reichenheim, Ferdinand Reichenheim, Adolph Reichenheim, Julius Reichenheim, and Nicholas Hermann Heydemann.	Gustavus Louis and Levi Louis.
119	Privy, Henhouse, Yard, and Ashpit.	Abraham Bower -	James Whaley -	James Whaley.
120	Yard - -	Abraham Bower -	James Whaley, Louis Reichenheim, Mority Reichenheim, Leanor Reichenheim, Ferdinand Reichenheim, Adolph Reichenheim, Julius Reichenheim, and Nicholas Hermann Heydemann.	James Whaley, Gustavus Louis and Levi Louis, William Singleton, Charles William Singleton, and Richard Harrison Singleton, William Greenwood.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
	In the Township of Bradford.			
121	Iron Foundry, Offices, Countinghouse, Yards and Buildings (Part of "Old Foundry.")	Joseph Cliff, James Mawson, Thomas Mawson.	- - - -	Joseph Cliff.
122	Foundry, Workshops, Stables, Yard, Privy, and Ashpit (Part of "Old Foundry.")	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Joseph Cliff.
123	House, Shop, Yard, Privy, and Ashpit	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	George Fearnley Atkinson.
124	Whitesmith's shop	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Patrick William Byrne.
125	Workshop -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Charles Pearson.
126	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Robert Law, Charles Pearson.
127	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Robert Moorhouse, Robert Law.
128	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Mary Hopper, Robert Law.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
129	Public House, called "Pekin Music Hall," Dwellinghouse, Coalplace, Yard, Privies, Ashpit, and Passage.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	Matthew William Thompson.	Frederick North.
130	Provision Stores, Warehouse, and Stable.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Charles Wade Firth.
131	Private Road and Ashpit.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Joseph Cliff, Charles Wade Firth, Septimus Gale, Mary Hopper, Charles Perry, George William Jaques, Francis Allen, James Cook.
132	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - -	Septimus Gale.
133	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	Charles Perry.
134	House Shop, Yard, Store Room, Warehouse, Water-closet, Privy, and Ashpit.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	Mary Hepper - -	Mary Hepper.
135	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	- - - -	George William Jaques.
136	Beerhouse and Dwellinghouse.	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	Daniel Riddiough -	Francis Allan.
137	Shop - -	Mary Atkinson, William Fletcher Atkinson, and Matthew William Thompson, Trustees under the Will of the late Joseph Milner Atkinson.	George Hill - -	James Cook.

THIRD PART.

Comprising Lands required for the proposed New Street or Approach from Market Street to Old Market.

No on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
42	Shop and Offices	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Thomas Taylor, William Roberts, Abraham Laycock.
43	House, Shop, and Offices.	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Sarah Ambler, William Roberts.
44	Shop	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Tattersall Wilkinson (late unoccupied).
45	Shop	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	John Goddard.
46	Warehouses	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Joseph Robinson, Benjamin Greenwood, John Goddard.
47	Shop	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Joseph Wood.
48	Piece Room	Elizabeth Rawson and Mary Rawson.	Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Unoccupied.
58	Passage, Vacant Ground, and Ashpit.	Elizabeth Rawson and Mary Rawson.	The Bradford Exchange Company (Limited), Henry Hodgson Haigh and Thomas Crabtree (Trustees for the Commercial Banking Company).	Thomas Taylor, William Roberts, Abraham Laycock, Sarah Ambler, Tattersall Wilkinson, John Goddard, Joseph Robinson, Benjamin Greenwood, Joseph Wood, Joseph Holdsworth and Thomas Holdsworth, John Ward, James Taylor, John Hall, Thomas Sharp, Walker Holmes, John Poppleston, —— Jameson, John Fawcett, Rudolphus Egan, Henry Varley, Mary Bentley, Edward Haley, William Atkinson John Pearson and Benjamin Firth, Joseph Smith, John Harrison, John Foster Horsfall, John Foster, Samuel Firth, Samuel Baines, John Priestley, Jeremiah Ambler, Henry Christopher Poole, Samuel Wignall and John Wignall, Joshua Hainsworth, William Rhodes, William Shackleton, John Burgess, Noah Smith, James Mitchell.

FOURTH PART.

Comprising the Lands required for the Improvement of Street called Old Market.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
138	Shop - -	John Rawson and Thomas Buck.	- - - -	Joseph Hartley, John Lumsden, and Thomas Tindal.
139	Shop - -	John Rawson and Thomas Buck.	- - - -	Joseph Wright, John Lumsden, and Thomas Tindal.
140	Shop and Piece Room.	John Rawson and Thomas Buck.	- - - -	William Cass, John Smith, Roger Tatham.
141	Shop and Piece Room.	John Rawson and Thomas Buck.	- - - -	John Irwin, John Smith, Roger Tatham.
142	Shop and Piece Room.	John Rawson and Thomas Buck.	- - - -	Thomas Holmes late Samuel Robert Lawson, Robert Pickles, Edward Holmes Pickles, and Joseph Pickles.

FIFTH PART.

Comprising the Lands required for the proposed New Street from Market Street to Brook Street.

No. on Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
144	Shop, Warehouses, Paint Shop, Forecourt, and Privy.	Elizabeth Rawson and Mary Rawson.	Sam Oddy - -	Sam Oddy.
145	Stable, Shed, Yard, and Privy.	Elizabeth Rawson and Mary Rawson.	Sam Oddy - -	Joseph Blamires.
146	Private Road and Yard.	Elizabeth Rawson and Mary Rawson.	Sam Oddy, John Ward, and William Ackroyd, James Wilson, Trustee for, and Henry Mason, Henry Brown, Alfred Illingworth, John Hollings, and Isaac Holden, Directors of, the Bradford District Bank (Limited).	Sam Oddy, Joseph Blamires, Henry Mason, Henry Brown, Alfred Illingworth, John Hollings, and Isaac Holden.
147	House, Shop, Yard, Bakehouse, and Workshop.	Mary Stanfield and Ann Stanfield	Martha Crowther -	Martha Crowther, Abraham Holmes.
148	Warehouse and Workshop.	Mary Stanfield and Ann Stanfield.	Martha Crowther -	Joseph Wilkinson, Abraham Holmes.
149	Part of Beck and Privy.	Mary Stanfield and Ann Stanfield.	Martha Crowther -	Martha Crowther, Abraham Holmes, Joseph Wilkinson.

No. of Plan.	Lands to be taken.	Owners.	Lessees.	Occupiers.
150	Passage and Yard	Mary Stanfield and Ann Stanfield, William Metcalfe.	Martha Crowther.	Martha Crowther, Abraham Holmes, Joseph Wilkinson, George Howgill Blackburn, James Taylor, Henry Walker Pearson.
151	Yard, Privy, and Ashpit.	William Metcalfe -	- - - -	George Howgill Blackburn, James Taylor, Henry Walker Pearson.
152	Workshop and Warehouse.	William Metcalfe -	- - - -	Henry Walker Pearson James Taylor.
153	Cooperage -	William Metcalfe -	- - - -	James Taylor.
154	House and Shop	William Metcalfe -	- - - -	George Howgill Blackburn.
155	Shop, Warehouse, Yard, and Privy.	Mary Binns - -	- - - -	George Neesom and James Neesom.
156	Warehouse and Piece Rooms.	John Murgatroyd -	William Greenwood.	George Hartley late William Greenwood, Samuel Webster.
157	Blacksmith's Shop, Forge, Stable, Passage, Yard, and Privy.	Elizabeth Rawson and Mary Rawson.	Mary Willett - -	Samuel Parker.
158	Piece Room and Warehouse.	Elizabeth Rawson and Mary Rawson.	Mary Willett - -	John Priestman, Edward Rhodes.
159	Counting-house and Piece Room.	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	George Müller.
160	Office, Stable, and Warehouse.	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.
161	Gateway and Passage.	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale, George Müller.
162	Piece Room -	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	Hartley Merrall.
163	Piece Rooms -	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	John George Taylor.
164	Piece Rooms -	Elizabeth Rawson and Mary Rawson.	Joseph Baxendale, Lloyd Baxendale, and Richard Birley Baxendale.	James Walker, John Wilson, James Wilson, junior, and John Hall, junior.

KINGSTON-UPON-HULL.

Provisional Order altering the Kingston-upon-Hull Improvement Act, 1854, *in force within the Borough of Kingston-upon-Hull, incorporating in it Provisions of the Towns Improvements Clauses Act,* 1847, *respecting Streets, providing for the Recovery of Expenses incurred in the making good of Streets, and extending Provisions for preventing Fraud in the Sale and Delivery of Coal.—Local Government Act,* 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Kingston-upon-Hull, in their capacity of Local Board of Health for the Borough (herein-after called the Local Board), and acting in the execution of the Kingston-upon-Hull Improvement Act, 1854 (herein-after called the Improvement Act), have, under the Provisions of the Local Government Act, 1858, presented a Petition to me as one of Her Majesty's Principal Secretaries of State, praying to have conferred on them further powers with respect to the improvement of streets and the recovery of expenses incurred by them for the purpose; and for the alteration and extension of the provisions of the Improvement Act for preventing fraud in the sale and delivery of Coal, so as to comprise coal exported beyond the seas, as well as all other coal sold or delivered within or passing through a district comprising the Borough; and for the repeal and alteration of the Improvement Act so far as shall be necessary for those purposes.

And whereas in pursuance of the Local Government Act, 1858, inquiry has been directed and held within the Borough in respect of the several matters specified in such Petition, and report has been made to me thereon by William Ranger, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to those matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers by the Local Government Act, 1858, vested in me, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order, the Improvement Act shall be amended as follows, and shall be read and have effect accordingly; (that is to say,)

1. The following provisions of the Towns Improvement Clauses Act, 1847, shall be incorporated with the Improvement Act; (that is to say,)

With respect to paving and maintaining the streets, being sections 47 to 56, both inclusive;

With respect to laying out new streets, being sections 57 to 63, both inclusive.

2. For the purposes of these provisions, the expenses incurred by the Local Board with respect to streets, and to be recoverable under section 53 of the Towns Improvement Clauses Act, 1847, so incorporated with the Improvement Act, shall be deemed to be incurred when and so soon as the Local Board have entered into any contract, or given any order for the paving and flagging, or otherwise making good in accordance with that section, of any such street, and shall be recoverable by the Local Board accordingly.

3. Provided always that if the amount of the expenses so incurred be not expressed in the contract or order, the amount thereof shall, for the purposes of the recovery thereof by the Local Board, be estimated by their surveyor for the time being, and the amount so estimated and certified by him in writing under his hand to the Local Board, shall be so recoverable by them, but without prejudice to the recovery by them of any sum by which the amount of the expenses eventually incurred by them exceeds the amount so estimated.

4. Sections 96, 159, 160, 162, 163, 164, 174, 175, and 178 of the Improvement Act shall be repealed.

5. The provisions of sections 151 to 158 (both inclusive), 161, 165 to 173 (both inclusive), 176 and 177 of the Improvement Act, for the purpose of punishing and preventing frauds and impositions with respect to coal, and all other provisions of that Act, applicable in that behalf, and this provision and the following provisions respectively, shall be in force in all places within the district for the time being of the Local Board, and with respect to all coal brought to or sent from or passing through such district.

6. The provisions of sections 151 to 158 (both inclusive), 161, 165 to 173 (both inclusive), 176 and 177 of the Improvement Act, and all other provisions of that Act applicable in that behalf, shall be so in force for the purposes of the following provisions, and shall extend and be read, and have effect accordingly; that is to say,

Where, in these provisions, the owner of any coal, or the master of any vessel carrying coal, or the vendor of or dealer in coal is mentioned, his respective agent shall be included; and the inspector or inspectors of coals from time to time appointed under the Improvement Act shall be the inspector or inspectors of all coals which shall be brought for sale to, or sent from, or shall pass through such district of the Local Board, or any part thereof.

7. The owner of any coal brought within such district, or if carried by water the master of the vessel carrying it, shall, before such coal or any part thereof is sold or delivered, or otherwise dealt with within the said district, deliver to the inspector or inspectors as aforesaid, the original pit note denoting the quantity and quality thereof, which was delivered to such owner or master with the coal when it was obtained, and the inspector or inspectors shall register and file the same, and keep it in his or their office, and after the Local Board have by advertisement in the London Gazette, and once in each of six successive weeks in each of four London daily morning papers, and two newspapers published in the County of York, and by placards posted in conspicuous places within such district, and by hand-bills distributed there, giving public notice of this provision, a duplicate of such original pit note shall be sent to the said inspector or inspectors by the clerk or agent of the colliery whence the coal was obtained, by the post next after the delivery of the original pit note to the said owner or master as aforesaid, and the said inspector or inspectors shall thereupon register, file, and keep such duplicate in his or their office. If, however, the pit note do not sufficiently specify the quantity or quality of the coal, or there be not any such pit note delivered with the coal at the colliery or pit whence the coal was obtained, or if the pit note be lost, or if the vessel carrying the coal shall have been originally loaded for any other place and afterwards changed her destination without the proper pit note being accordingly delivered, or if the inspector or inspectors see other good and sufficient cause, then, and in every such case, the owner of the coal, or if carried by water, the master of the vessel carrying

it, shall deliver to the inspector or inspectors an account of the quality and quantity of the coal, setting forth when it was obtained, and at what place, and from what colliery, and shall verify the same by solemn statutory declaration in lieu of oath, and such inspector or inspectors shall receive and register, file, and keep in his or their office, every declaration so made.

8. The owner of any coal brought within the said district, or if carried by water, the master of the vessel carrying it, or the vendor of or dealer in the coal shall, before he sells, delivers, or deals with the coal, pay to the inspector or inspectors a tonnage rate at the rate of one half-penny for every ton of the coals.

9. On payment to the inspector or inspectors of the tonnage rate for coal, he or they shall make out, and give to the owner, master, or agent paying it, a certificate in writing, in such form as the Local Board may from time to time think proper and direct, and to be signed by such inspector or inspectors, setting forth the quantity, quality, and date of arrival within the said district of such coal.

10. If the coal be carried by water the certificate of the inspector or inspectors shall be affixed by the master of the vessel carrying it to the mast of the vessel, and be continued so affixed until the cargo be sold or delivered, or if the coal be delivered into any yard or place within the said district for sale, then the certificate shall be placed by the vendor of or dealer in the coal upon a board or pole in front of the heap of coal, and be continued so placed, until such heap be sold or disposed of; and the certificate shall be so affixed or placed immediately after the delivery thereof, or placed and continued in such other place and in such manner as the inspector or inspectors from time to time shall direct.

11. No sack shall be made use of in the delivery of coal within the said district, unless it be first marked by the inspector or inspectors with such distinctive mark as the Local Board from time to time may direct, and no sack shall be marked which is not at the time of the marking thereof capable of containing 140 lbs. weight of coal, and all sacks taken before the Mayor or other Justice within the said district, and found by him to be deficient in size or not properly marked, shall under his order be destroyed.

12. The ticket of any porter or carrier of coals within the said district may, if and when the Local Board so order, be worn and carried in such conspicuous manner as they may order instead of in front of his hat or cap.

13. Every owner of any cart employed for the carriage or delivery of coals within the said district, shall paint on it on each side in plain figures of not less than three inches in height and proportionate width, such distinctive number as shall be assigned to it by the inspector or inspectors.

14. Every porter or carrier of coal within the said district shall on being registered pay one shilling, and shall yearly thereafter while on the register on the first day of January pay one other shilling, and the owner of every cart employed in carrying coal within the said district shall on the cart being registered pay one shilling, and shall yearly thereafter while the cart is on the register, on the 1st day of January pay one shilling, and those payments shall be made to the inspector or inspectors.

15. The Local Board whenever they see occasion may reduce or raise (but not above the specified sums,) the sums to be from time to time paid under those provisions to the inspector or inspectors as the tonnage rate for coal, and by porters, carriers, and owners of carts.

16. The moneys from time to time paid under these provisions to the inspector or inspectors as the tonnage rate for coal, and by porters, carriers, and owners of carts, shall be accounted for and paid over by such inspector or inspectors, in the month of January in every year, to the treasurer of the Local Board, to the credit of their General District Fund Account.

17. If any owner of coal, or the master of any vessel carrying coal, knowingly commit any of the following offences; that is to say,

First.—Do not within 24 hours after the arrival of the coal within such district, or within such earlier period than 24 hours if he shall earlier deal with any coal within the said district, deliver to the inspector or inspectors the requisite pit note, account, or declaration relating thereto.

Secondly.—Make or deliver a false, feigned, or forged pit note.

Thirdly.—Alter, deface, erase, or mutilate any pit note.

Fourthly.—Do not affix or place, or continue the certificate of the inspector or inspectors, as he or they direct.

Fifthly.—Make or affix or place or continue any false, feigned, or forged certificate.

Sixthly.—Alter, deface, erase, or mutilate any certificate of the inspector or inspectors.

Seventhly.—Make or deliver a false or inaccurate account of the quantity or quality of the coal.

Eighthly.—Bring within the said district coal of one quality or sort for and as coal of a different quality or sort; or

Ninthly.—Make or deliver a false declaration of any matter with respect to which he is by the Improvement Act, or these provisions, required to make a declaration.

Every person so offending shall forfeit and pay any sum not exceeding one hundred pounds.

18. If the owner of any cart carry therein within the said district any coal without having the requisite figures painted thereon, every person so offending shall for every such offence forfeit any sum not exceeding twenty shillings.

19. If any person commit any offence against any of the provisions with respect to coal of the Improvement Act, or of these provisions, and for which no penalty is prescribed, he shall forfeit a sum not exceeding ten pounds.

20. All prosecutions and other proceedings under the Improvement Act, or these provisions, with respect to offences connected with coal, shall be instituted by the Local Board or their officers.

21. The Local Board, from time to time, may direct any prosecution or other proceedings to be taken for the recovery of any penalties under and for the punishment of any persons offending against any of these provisions, and may defray the expenses thereof as part of their general expenditure.

22. All penalties under the Improvement Act or these provisions shall be recoverable in accordance with the provisions of the Act of the Session of the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, with respect to the administration of justice.

Given under my Hand this Third day of July 1862.

(Signed) G. Grey.

RYDE.

Provisional Order for extending the Borrowing Powers of the Ryde Commissioners acting as Local Board within the District of Ryde, in the Isle of Wight.—Local Government Act, 1858.

Whereas the Local Government Act, 1858, has been duly adopted within the boundaries of the District of the Town of Ryde in the Isle of Wight, by the Commissioners acting under the provisions of the Ryde Improvement Act, 1854.

And whereas the said Commissioners acting as the Local Board for the said District have duly borrowed, under the Provisions of the Ryde Improvement Act, 1854, and of the Ryde Water Act, 1861, sums, amounting in the whole to Forty-three thousand three hundred Pounds (43,300*l.*), to defray the expense of Works for the Drainage of and Supply of Water to the said District, and other works of a permanent nature under the aforesaid Acts; and whereas a further sum of 3,600*l.* will be required to carry out and complete the said works for the supply of Water to Ryde, but such further sum, with the first herein-before mentioned sums will exceed the assessable value for one year of the premises assessable under the said Acts and the Local Government Act, 1858, within such district.

And whereas the said Commissioners acting as such Board have now, under the authority of the 78th Section of the Local Government Act, 1858 petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for the purpose aforesaid, on mortgage of the rates leviable by the aforesaid Commissioners acting as such Local Board under the powers of the herein-before cited Acts, a sum or sums not exceeding in the whole Three thousand six hundred Pounds (3,600*l.*), which, with the amount already borrowed, will not exceed in the whole two years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Ryde Improvement Commissioners acting as the Local Board for the District of Ryde, in the Isle of Wight aforesaid, shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a further sum or sums, such further sum or sums not to exceed altogether Three thousand six hundred Pounds (3,600*l.*), which, together with the sums already borrowed by such Commissioners now acting as the Local Board aforesaid, will not exceed in the whole two years' assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this Twenty-sixth day of June 1862.

(Signed) G. Grey.

BEDFORD.

Provisional Order repealing and altering Parts of Local Acts in force within the District of the Bedford Local Board.—Local Government Act, 1858, *Sec.* 77.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Bedford, in the County of Bedford, by the Council of the Borough of Bedford, acting as the Local Board, in and for the said Borough, being the District within which portions of the Local Government Act, 1858, of the Public Health Act, 1848, and of the Local Government Act (1858) Amendment Act (1 61) have been adopted, have, in pursuance of the Local Government Act, 1858, presented a petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of certain Local Acts of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the forty-third year of the reign of King George the Third (Cap. 128.), intituled "An Act for the improvement of the Town of Bedford, in the County of Bedford, and for rebuilding the bridge over the River Ouze, in the said town;" and

A certain other Act, passed in the fiftieth year of the reign of King George the Third (Cap. 82.), intituled "An Act for amending and enlarging the powers of an Act of His present Majesty, intituled 'An Act for the improvement of the Town of Bedford, in the County of Bedford, and for rebuilding the bridge over the River Ouze, in the said town.'"

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The parts of the said herein-before recited Local Acts passed respectively in the forty-third and fiftieth years of the reign of King George the Third [43 Geo. 3. (c. 128.), and 50 Geo. 3. (c. 82.)], specified in the Schedule hereunto annexed, shall be repealed.

2.—All debts and liabilities under the said Local Acts shall be dealt with and may be satisfied as debts and liabilities under the Local Government Act, 1858; and (anything in the said Local Government Act, 1858, notwithstanding,) it shall be lawful for the said Local Board, with such sanction as is required by the said Act for the borrowing of other sums by the said Local Board, to borrow such sums as shall be required to discharge the said debts and liabilities.

3.—All expenses under the said Acts shall be borne by the rates leviable in the said District under the said Local Government Act.

4.—All halls, gaols, schools, alms-houses (except the alms-houses founded by Christie Skinner, deceased, and except all houses which shall be built upon the site of and shall be used as the said alms-houses) and such other public buildings, within the said Borough as would not but for this Order be rateable to general district rates, shall (notwithstanding anything in the Local Government Act, 1858) be assessed to the general district rate to be levied under the provisions of the said Local Government Act at a rate not exceeding twopence for every square yard of the area of the said halls, gaols, schools, alms-houses, and other public buildings, respectively; and the sums so assessed upon any public building used by or provided by the County of Bedford shall be paid by the treasurer of the said County for the time being; and the sums so assessed upon any school, hospital, alms-houses, or other buildings belonging to the trustees of the Bedford Charity shall be paid by the clerk to the said trustees for the time being; and the sums so assessed upon any building used for the public purposes of the said Borough shall be paid by the treasurer of the Borough for the time being; and the sums so assessed upon any school, alms-house, or other public building, the payment of which last-mentioned sums is not herein-before provided for, shall be paid by the masters, trustees, or managers thereof respectively or by any occupier thereof respectively; and all sums assessed in pursuance hereof shall be recoverable from the persons by whom the same shall be payable as aforesaid, as if the said several sums were assessed on the same persons respectively: Provided always, that no assessment which shall be made by virtue of the powers herein-before contained shall exceed the amount at which such halls, gaols, schools, alms-houses, and other public buildings respectively were rated and assessed to the last rate or assessment made in pursuance of the said Local Acts, unless at the time when such halls, gaols, schools, alms-houses, and other public buildings respectively shall be rated and assessed by virtue of the powers herein contained the area thereof respectively shall be larger than the area thereof respectively at the time when the said last rate or assessment was made.

5.—The said Local Board may, and they are hereby required to repair the bridge built over the River Ouze in pursuance of the Bedford Local Acts (43 Geo. 3. c. 128. and 50 Geo. 3. c. 82.), and the expense of such repairs shall be defrayed out of the said General District Rate, and in case any sudden or extraordinary damage shall happen to the said bridge, or the same shall become so much out of repair as to be impassable or in danger of becoming so, the said Local Board may and they are hereby empowered and required from time to time to repair such damage; and in order to defray the expense of such repairs and all costs and charges incident thereto, the said Local Board may and they are hereby empowered to erect a toll-house and toll-gate, and to demand and receive such tolls as shall be fixed from time to time by the said Local Board with the sanction of One of Her Majesty's Principal Secretaries of State, until the expenses of such repairs and all costs and charges incident thereto shall be paid and satisfied, and which said tolls shall be vested in the said Local Board for the purpose aforesaid.

Given under my Hand this Third day of July 1862.

(Signed) G. GREY.

Schedule to which this Order refers.

The Parts of the Local Act 43 Geo. 3. c. 128. herein-before referred to in this Order to be repealed are as follows; that is to say,—

All the sections of the said Local Act numbered 1 to 10, both inclusive. 15, 16, 17 (except so much of the last-mentioned section as provides that nothing contained in the said Act shall affect the right of the Corporation of Bedford, or of the Duke of Bedford, to rents or tolls of markets and fairs) 21 to 35, both inclusive (except so much of the last-mentioned section as gives the Commissioners named in the said Local Act certain power over a public drain called King's Ditch). 36 to 44, both inclusive. 46 to 66, both inclusive. 70. So much of section 84 as relates to a sum of 900*l.* therein mentioned. 85, and so much of section 86 as relates to borrowing on security of rates. 87 to 91, both inclusive. 110 to 119, both inclusive.

The parts of the second herein-before recited Local Act, that is to say, 50 Geo. 3. c. 82., to be repealed are the following:—Sections 1 to 7, both inclusive; and so much of section 13 as removes the liability of the Mayor, Bailiffs, Burgesses and Commonalty of the town and borough of Bedford to repair the present bridge, or any bridge to be hereafter erected and built instead thereof.

CROYDON.

Provisional Order for altering the Provisional Order applying the Public Health Act, 1848, *to the District of Croydon, in the County of Surrey.—Local Government Act,* 1858.

Whereas by a Provisional Order of the General Board of Health, bearing date the 14th day of July 1849, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1849, the said Public Health Act has been duly applied to the District of Croydon, in the County of Surrey.

And whereas, by such Provisional Order as aforesaid, the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at twelve, the entire number to be elected for the whole of such District.

And whereas the Local Board of Health for the said District of Croydon have, in pursuance of the Local Government Act, 1858, (Sect. 77,) presented a petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Provisional Order in so far as such Order relates to the number of members to constitute the Local Board of Health for such District.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The number of members to constitute the Local Board of Health for the District of Croydon shall be fifteen, anything in the Croydon Provisional Order of the General Board of Health, bearing date the 14th day of July 1849, and so confirmed as aforesaid, to the contrary notwithstanding.

2.—Of the said fifteen members, twelve be allotted to and be elected by the Croydon ward of the aforesaid District, the boundaries of which said Croydon ward have been duly fixed and determined and sanctioned by me under the provisions of the 24th Section of the Local Government Act, 1858; and that three of the said fifteen members be allotted to and elected by the Norwood ward of the aforesaid District, the boundaries of which said Norwood ward have been duly fixed and determined and sanctioned by me under the provisions of the 24th Section of the Local Government Act, 1858, aforesaid, and that the first election for the Norwood ward do take place within one month from the date of the passing of the Act confirming this Order.

3.—One-third in number of the twelve members to be so elected for the Croydon ward, and one-third in number of the three members to be so elected for the Norwood ward, shall annually go out of office on the day fixed by the aforesaid Provisional Order, bearing date the 14th day of July 1849.

4.—The one-third to retire for and in respect of the Croydon ward shall be as at present arranged by the Local Board of Health aforesaid, and at the usual time the member annually to retire for and in respect of the Norwood ward at Easter 1863 and at Easter 1864 shall be such member among the three elected to represent the Norwood ward as shall have attended the least number of times during the year preceding such retirement; and during subsequent years the third of such members for the said Norwood ward to retire shall go out by rotation.

Given under my Hand this Second day of July 1862.

(Signed) G. GREY.

BATLEY.

Provisional Order for altering the Order in Council applying the Public Health Act, 1848, *to the District of Batley in the County of York.—Local Government Act,* 1858.

Whereas, by an Order of Her most Gracious Majesty in Council, bearing date the 21st day of February 1853, made under the Provisions of the Public Health Act, 1848, the said Public Health Act has been duly applied to the District of Batley in the West Riding of the county of York.

And whereas, by such Order as aforesaid, the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at nine, the entire number to be elected for the whole of such District.

And whereas the Local Board of Health for the said District have, in pursuance of the Local Government Act, 1858, (Sect. 77,) presented a petition to One of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Order in so far as such Order relates to the number of members to constitute the Local Board of Health for such District.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The number of members to constitute the Local Board of Health for the District of Batley shall be fifteen, anything in the Batley Order in Council herein-before recited, and bearing date the 21st day of February 1853, to the contrary notwithstanding.

2.—Of the said fifteen members six be allotted to the East ward of the aforesaid District of Batley, the boundaries of which said East ward have been duly fixed and determined and sanctioned by me under the Provisions of the 24th Section of the Local Government Act, 1858; and that three of the said fifteen members be allotted to and elected by each of the other three wards so fixed and determined and sanctioned by me as aforesaid, viz., the South-east ward, the South-west ward, and the North ward respectively, and that the first election for the aforesaid wards do take place within one month from the date of the passing of the Act confirming this Order.

3.—One-third in number of the six members to be so elected for the East ward, and one-third in number of the three members to be so elected for each of the other three wards of the said District of Batley, shall annually go out of office on the day fixed by the aforesaid Order in Council bearing date the 21st day of February 1853.

Given under my Hand this 21st day of March 1863.

(Signed) G. Grey.

BERWICK-UPON-TWEED.

Provisional Order for extending the Borrowing Powers of the Berwick-upon-Tweed Local Board of Health.—Local Government Act, 1858.

Whereas the Public Health Act, 1848, has been duly applied to the District of the Corporate Borough of Berwick-upon-Tweed.

And whereas the Local Board of Health for the said District have duly borrowed, under the Provisions of that Act and of the Local Government Act, 1858, sums, amounting in the whole to Fourteen thousand four hundred Pounds, to defray the expense of works for the Drainage of, and Supply of Water to, the said District, being works of a permanent nature under the aforesaid Acts: And whereas a further sum will be required to carry out and complete the said works, and to carry out other works of a permanent nature but such further sum, with that herein-before mentioned, will exceed the assessable value for one year of the premises assessable under the said Acts within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the aforesaid Acts, a sum or sums which, with the amount already borrowed, shall not exceed in the whole two years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order, under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board of Health for the District of Berwick-upon-Tweed shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a sum or sums which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, shall not exceed in the whole the sum of Twenty-two thousand five hundred Pounds, the said last-mentioned sum not exceeding two years' assessable value of the premises assessable under such Acts within the aforesaid District; the aforesaid sum or sums to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this 21st day of March 1863.

(Signed) G. Grey.

SHEERNESS.

Provisional Order for extending the Borrowing Powers of the Sheerness Local Board of Health.—Local Government Act, 1858.

Whereas the Local Board of Health for the District of Sheerness, in the county of Kent, as constituted under the Public Health Act, 1848, and the Local Government Supplemental Act, 1860 (No. 2), have duly borrowed, under the Provisions of the Public Health Act, 1848, and of the Local Government Act, 1858, a sum of Twenty thousand Pounds, to defray the expense of works for the Sewerage of and Supply of Water to the said District, being works of a permanent nature under the aforesaid Acts; and whereas a further sum will be required to carry out and complete the said works, but such further sum, with the herein-before mentioned 20,000*l.*, will exceed the assessable value for one year of the premises assessable under the said Acts within such District of Sheerness, constituted as aforesaid.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the aforesaid Acts, a sum or sums which, with the amount already borrowed, shall not exceed in the whole two years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by Robert Rawlinson, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board of Health for the District of Sheerness in the county of Kent shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a further sum, not exceeding Ten thousand Pounds, which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, will not exceed in the whole two years' assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums already borrowed and to be further borrowed under the authority of this present Order, and of the Act confirming the same, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this 20th day of October 1862.

(Signed) G. Grey.

BROMSGROVE.

Provisional Order altering parts of a Local Act in force within the District of the Bromsgrove Local Board.—Local Government Act, 1858.

Whereas the Local Government Act, 1858, was on the Fourteenth day of October 1859 duly adopted within the Parish of Bromsgrove in the county of Worcester by the Commissioners acting under and by virtue of the Bromsgrove Improvement and Small Tenement Act, 1846: And whereas by a Provisional Order bearing date the twenty-fourth day of April 1861, confirmed by the Local Government Supplemental Act, 1861, all that portion of the said district of the Parish of Bromsgrove not comprised within the limits of the Town of Bromsgrove, as such limits are defined in the 64th section of the herein-before recited Bromsgrove Improvement and Small Tenement Act, 1846, (9 & 10 Vict. cap. 124.,) was separated from the said District, and the District of Bromsgrove, under the Local Government Act, 1858, was by the herein-before recited Local Government Supplemental Act, 1861, confined within the limits of the Town of Bromsgrove, as the same are defined by the said 64th section of the herein-before recited Bromsgrove Improvement and Small Tenement Act, 1846.

And whereas the said Commissioners, as Local Board for such District, altered as aforesaid, have in pursuance of the provisions of the Local Government Act, 1858, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for alteration of the second and one hundred and seventh sections of the Bromsgrove Improvement and Small Tenement Act, 1846, in relation to the election of such Commissioners and the area of rating for the purposes of "An Occupiers' Rate," under the last herein-before recited Act.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The following parts of the said herein-before recited Bromsgrove Local Act passed in the ninth and tenth years of the reign of Her present Majesty (9 & 10 Vict. cap. 124.), viz., sections two and one hundred and seven, be altered by omitting the word "Parish" from such sections and substituting the word "Town" in place thereof; the limits of the said town being those defined in the sixty-fourth section of the Bromsgrove Improvement and Small Tenement Act, 1846: Provided always, that nothing in this Order contained shall in any manner lessen or affect the liability of any ratepayer to pay any rate, signed and allowed before the day of the date of this Order, anything herein contained to the contrary notwithstanding.

Given under my hand this 21st day of March 1863.

(Signed) G. Grey.

Local Government Supplemental.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of Basford, Teignmouth, Kingston-upon-Hull, Nottingham, Bradford, Ryde, Bedford, Croydon, Batley, Berwick-upon-Tweed, Sheerness, and Bromsgrove.

(*Prepared and brought in by*
Mr. Bruce and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
4 *June* 1863.

[Bill 151.]

Under 6 *oz.*

12 *June* 1863. 26 Vict.

(No. 2.)

A

BILL

TO

Confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of Plymouth, Holywell, Llanelly, West Ham, Worthing, Aberavon, and Wallasey.

Preamble.

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders, which are contained in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act, that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament; and it is expedient that the said Orders should be so confirmed, and further Provision made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in Schedule.

1. The Provisional Orders contained in the Schedule hereunto annexed shall from and after the *passing of this Act* be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

This Act incorporated with 21 & 22 Vict. c. 98.

2. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

3. In citing this Act in any other Act, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1863 (No. 2.)"

SCHEDULE of Provisional Orders referred to in the preceding Act.

1. **Plymouth.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement.
2. **Holywell.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement.
3. **Llanelly.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement.
4. **West Ham.**—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement.
5. **West Ham.**—Altering the Provisional Order applying the Public Health Act, 1848, to the District of West Ham.
6. **Worthing.**—Repealing and altering Parts of a Local Act in force within the District.
7. **Aberavon.**—Repealing a Local Act in force within the District.
8. **Wallasey.**—Extending the Borrowing Powers of the Board.

PLYMOUTH.

Provisional Order, putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Local Board for the Borough of Plymouth, for the Purchase and taking of Lands by the said Board otherwise than by Agreement.—Local Government Act,* 1858.

Whereas the Local Board in and for the District of the Borough of Plymouth, in the County of Devon, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section, by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises, for the purpose of enabling them to widen, alter, and improve certain streets or roads within such Borough.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Local Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such lands, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said Borough of Plymouth shall be empowered to put in force, with reference to the messuages or tenements, buildings, lands, hereditaments, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this 9th day of June 1863.

(Signed) G. GREY.

The SCHEDULE referred to in the foregoing Order.

The LANDS, HOUSES, BUILDINGS, HEREDITAMENTS, and PREMISES proposed to be taken for the Purposes set forth in the preceding Order, and which are situate in the aforesaid Borough, are the following, the Figures in the First Column referring to those on the Plan of the said Hereditaments and Premises mentioned in the Petition of the aforesaid Local Board herein-before referred to.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessee or reputed Lessee.	Occupier.
1	The Bedford Inn Public House in Bedford Street, at the corner of Catherine Street, Courtlage, and Washhouse and Shop in Bedford Street, adjoining the Bedford Inn.	Robert Scott - -	- - -	Hannah Garry, Grace Ward.
2	Blacksmith's Shop, Forge, and Shoeing Shed, Westwell Street.	William Curtis, Trustee -	Thomas Radden	Thomas Radden.
3	Garden, Area, and Cellar in front of Dwelling House, No. 7, Nottingham Place, Tavistock Road.	Robert Courtis and John Courtis.	- - -	Joseph Chambers.
4	Boundary Wall on the North-eastern Side of Portland Square, separating the said Square from Endsleigh Place.	Andrew Lidstone Adams	- - -	Andrew Lidstone Adams.
5	Dwelling House, Outbuildings, Tenement, Courtlage, Garden and Yard, No. 9, Gasking Street, and extending to North Street.	Jacob Nathan - -	- - -	William Brown, James Brown, Thomas Hannaford.
6	Dwelling House, Outbuildings, Tenement, Courtlage, Garden, and Passage, No. 10, Gasking Street, and extending to North Street.	James Batten - -	- - -	John Palmer.
7	Passage leading from James Street to Dwelling House, No. 17, in that Street.	James Cleve Madge and Jane Madge, John Beer Witheridge and Mary Ann Witheridge, James Blaxland and Sarah Blaxland.	- - -	James Cleve Madge and Jane Madge, John Beer Witheridge and Mary Ann Witheridge, James Blaxland and Sarah Blaxland.
8	Shop and Garden in front of Dwelling House, No. 18, James Street.	James Cleve Madge and Jane Madge, John Beer Witheridge and Mary Ann Witheridge, James Blaxland and Sarah Blaxland.	- - -	James Elliott.
9	Garden and Passage in front of Dwelling House, No. 19, James Street.	Herbert Mends Gibson and George Frean, Trustees.	- - -	William Truman Harris, Frederick Bennett, Betsy Cann.
10	Garden, Passage, and Sheds in front of Dwelling House, No. 20, James Street.	Herbert Mends Gibson and George Frean, Trustees.	- - -	William Truman Harris, Mary Jane Williams, Mary Fast, Ann Craig, John Harvey.
11	Garden, Passage, Outbuildings, and Shed in front of Dwelling House, No. 21, James Street.	Herbert Mends Gibson and George Frean, Trustees.	- - -	William Truman Harris, John Matthews, Nicholas Langdon, John Ford, and Elizabeth Yarling.
12	Dwelling House, Stable, Courtlage, and Outbuildings, formerly the Bell Inn, in Basket Street, adjoining Catherine Street.	James King - - -	- - -	William Cocks, Richard Beer, Elizabeth Angier.

No. of Plan.	Description of Property.	Owners or reputed Owners.	Lessee or reputed Lessee.	Occupier.
13	Part of Garden in front of the Female Penitentiary in Ham Street.	George Smith, Alfred Rooker, William Haydon, David Derry, Samuel Morrish, John Williams, Philip Moysey Little, and William Grindon Heathman, Trustees.	- - -	The Plymouth, Devonport, and Stonehouse Female Penitentiary.
14	The Distillery Inn Licensed House, No. 1, Whimple Street.	The Incorporation of the Guardians of the Poor of Plymouth.	Susan Veale, James Rew.	Peter Williams.
15	Dwelling House, Stores, Courtlage, and Outbuildings, No. 6, Tin Street.	Joseph Mead - -	- - -	Joseph Mead.
16	Dwelling House, Shop, Courtlage, Tenement, Stables and Loft, No. 7, Tin Street.	Francis Christian, K—— Hepburn.	Thomas Bunclark	Thomas Bunclark, William Tonkin, Thomas Matthews, John Saunders, George Rider, William Henry Hunt, William Smith, Elizabeth Wright, Ann Watts Westcott.
17	Dwelling House, Shop, Tenement, Stable, and Outbuildings, No. 8, Tin Street.	Anthony Lake - -	- - -	Anthony Luke, Charles Lang, James Robinson, James Swiggs, Thomas Oats, Ann Richards, John Popplestone.
18	Courtlage and Outbuildings in Armada Street, in the rear of Dwelling House, No. 8, Bedford Place.	Devisees of the will of John Madford Westlake.	- -	James Were, Joan Westlake.
19	Courtlage and Outbuildings, in Armada Street, in the rear of Dwelling House, No. 9, Bedford Place.	Devisees of the will of John Madford Westlake.	- - -	Thomas Wyatt and Richard Libbey.
20	Dwelling House, Shop, and Buildings, Bedford Street, and extending from Bedford Street to Basket Street.	Frederick Whiteford Pym	John Bastard, William Pope.	John Vellacott Luxmoore, Richard Langford, Thomas James Cross, the Committee of the British and Foreign Bible Society of Plymouth.
21	Part of Tan Yard, Tan Pits, and Drying Shed in Frankfort Street.	William Brabin and Charles Sweet Adams, Trustees.	Peter Ashford -	Peter Ashford.
22	The Greyhound Inn Beerhouse, Wash-house, and Courtlage, in Frankfort Street.	William Brabin and Charles Sweet Adams, Trustees.	James Rew -	John May.

HOLYWELL.

HOLYWELL.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the Holywell Local Board District, for the Purchase and taking of Lands by the said Board, otherwise than by Agreement.—Local Government Act,* 1858.

Whereas the Local Board in and for the District of Holywell, in the County of Flint, under the Local Government Act, 1858, have, in pursuance of the Provisions of the 75th Section of the said Act, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises, for the purpose of enabling them to provide a Market Place and construct a Market House and other conveniences, for the purpose of holding markets, and also to provide a Board Room and offices for transacting the business of the Board and that of their officers under the Local Government Act, 1858.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such land, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon:

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said District of Holywell shall be empowered to put in force, with reference to the lands, buildings, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this 9th day of June 1863.

(Signed) G. Grey.

The SCHEDULE referred to in the foregoing Order.

The LANDS, BUILDINGS, and PREMISES proposed to be taken for the Purposes set forth in the preceding Order, and situate in the District of Holywell, are the following, the Figures in the Second Column referring to those on the Plan mentioned in the Petition of the aforesaid Local Board.

Lands proposed to be taken.	No. on Plan.	Assenters.	Dissenters.	Neutrals.
All that Messuage, Hotel, or Inn called by the name of the King's Arms, situate in High Street, and the Brewhouse, Stables, Coachhouses, Shippons, Buildings, Yards, and other appurtenances thereunto belonging.	1	John Price, William Pierce, and Richard Williams.	- - -	Lord Feilding.
Also all those three several Cottages or Dwelling Houses and premises situate in Halkin Street, and adjoining the first-mentioned premises.	2	John Price, Richard Williams, William Pierce, Thomas Hughes, Edwards and Roberts.	- - -	Viscount Feilding.
And also all those Timber Yards, Stables, Offices, Buildings, and other appurtenances thereunto belonging, adjoining the before-mentioned premises, all which said premises contain, by admeasurement, 2,366 superficial square yards, or thereabouts.	3	William Pierce, Richard Williams, Edwards and Roberts.	- - -	Viscount Feilding.

LLANELLY.

Provisional Order, putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Local Board for the Borough of Llanelly, for the Purchase and taking of Lands by the said Board, otherwise than by Agreement.—Local Government Act,* 1858.

Whereas the Local Board in and for the District of the Borough of Llanelly, in the County of Carmarthen, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises, &c., for the purpose of enabling them to establish a market place and make convenient approaches thereto within such Borough:

And whereas the said Petition duly set forth in the Schedules annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Local Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such lands, buildings, and premises, &c., be allowed to put in force the powers of the Land Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That, from and after the passing of any Act of Parliament confirming this Order—

The Local Board for the said Borough shall be empowered to put in force, with reference to the messuages or tenements, buildings, lands, hereditaments, and premises, &c., referred to and described in the Schedules to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this 9th day of June 1863.

(Signed) G. GREY.

The SCHEDULES referred to in the foregoing Order.

The LANDS, HOUSES, BUILDINGS, HEREDITAMENTS, and PREMISES proposed to be taken for the Purposes set forth in the preceding Order, are the following, the Figures in the Second Column referring to those on the Plan mentioned in the Petition of the aforesaid Local Board herein-before referred to.

Messuages, Buildings, Lands, Hereditaments and Premises proposed to be taken.	No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers or reputed Occupiers.
		FIRST SCHEDULE.		
Pasture Field, part of Llanelly Park.	1	John Stepney Cowell Stepney, Esquire.	- - -	John Stepney Cowell Stepney, Esquire.
Garden and Building Ground -	2	Ditto - - -	Edward Morgan Douglas.	Edward Morgan Douglas.
House and Garden, Cold Bath -	3	Ditto - - -	- - -	William Vivian.
House, Yard, Stables, and Stores.	4	Ditto - - -	- - -	John Davies and John Stepney Cowell Stepney, Esquire.
Garden Ground, and Walks -	5	Ditto - - -	- - -	John Stepney Cowell Stepney, Esquire.

SECOND SCHEDULE.

Messuages, Buildings, Lands, Hereditaments, and Premises proposed to be taken.	No. on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers or reputed Occupiers.
Garden	2	David Lewis, Esquire	Thomas Williams	Mary Harries.
Victoria Market	3	Llannelly Local Board of Health.	- - -	Llanelly Local Board of Health.
Open Space	4	David Lewis, Esquire	- - -	Ditto.
Road	5	Llanelly Local Board of Health.		
Right of way in No. 7	6	- - -	- - -	Jane Morris.
Grass Field, Caebont	7	John Wick Bennett, Robert Evans, and David Francis, Esquires.	- - -	John Lloyd.
Garden	8	William Morgan	- - -	William Morgan.
Garden	9	Representatives of late John Lloyd and Jane Morris.	- - -	John Lloyd.
Grass Field, Waunyrafon	10	Charles Richard Robinson, Esquire.	- - -	William James.
Grass Field	11	John Wick Bennett, Robert Evans, and David Francis, Esquires.	- - -	John Lloyd.
Ditto	12	Ditto	- - -	Ditto.
Pig Market	13	Rees Goring Thomas, Esquire.	Llanelly Local Board of Health.	Llanelly Local Board of Health.

THIRD SCHEDULE.

The alleged right of Lieutenant-Colonel John Stepney Cowell Stepney to demand and take, by prescription, dues, tolls, or rights of market within the Town and Borough of Llanelly ; and the question is, by Agreement, dated the Thirty-first day of January, One thousand eight hundred and sixty-three, between the said John Stepney Cowell Stepney of the one part and the Llanelly Local Board of Health of the other part, referred to two Barristers and an Umpire to decide whether such rights does exist or not, and if it is found that such rights do exist then the said Local Board agree to pay the value thereof, to be ascertained as in the said Agreeement mentioned.

WEST HAM.

Provisional Order, putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the West Ham Local Board of Health, for the Purchase and taking of Lands by the said Board, otherwise than by Agreement; and for other purposes therein set forth.—Local Government Act*, 1858.

Whereas the Local Board of Health in and for the District of West Ham, in the County of Essex, have, in pursuance of the Provisions of the Local Government Act, 1858, and after complying with the requirements thereof by duly giving and serving all notices thereby directed, presented a petition under the Seal of the said Local Board of Health, to one of Her Majesty's Principal Secretaries of State, praying for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land, buildings, and premises, for the purpose of enabling them to erect offices for the transaction of the business of such Board.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Local Board of Health for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such lands, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esquire, the Inspector appointed for the purpose to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject-matters of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Local Board of Health for the said District of West Ham, shall be empowered to put in force, with reference to the messuages or tenements, buildings, lands, hereditaments, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this 9th day of June 1863.

(Signed.) G. GREY.

The SCHEDULE referred to in the foregoing Order.

The Lands, Houses, Buildings, Hereditament, and Premises proposed to be taken for the Purposes set forth in the preceding Order, are the following:—

A vacant piece of land whereon formerly stood three houses fronting the Broadway in Stratford, together with other houses and the yards, premises, and buildings in the rear of such three houses, and such land is situate in the Broadway, Stratford, in the parish of West Ham, in the said county of Essex and within the district of the said Local Board of Health, and is bounded on the north by the road called the Broadway at Stratford aforesaid, on the east by certain houses now unoccupied, standing at the corner of the road called West Ham Lane, and the premises in the rear thereof, on the south partly by certain premises occupied as a coach factory or otherwise, in the occupation of Stephen Gowar, and partly by the yard or premises belonging to the house called or known as the Albion Coffee House, and situate in the street called the Broadway aforesaid, and on the west by such above-mentioned house called or known as the Albion Coffee House and the premises and yard belonging thereto, and which said piece of ground is in the plan annexed to the herein-before described petition of the Local Board of Health and is coloured purple. Also a certain messuage or tenement, situate in the road called the Broadway, at Stratford aforesaid, and in the district of the said Local Board, and is called or known as the Albion Coffee House, together with the premises thereto belonging and the yard and buildings behind the same, and which said messuage and premises are now in the tenure or occupation of James Holmes, and are bounded on the north partly by the said road called the Broadway aforesaid and partly by a piece of ground now vacant on the south by certain premises occupied as a coach factory or otherwise, in the occupation of Stephen Gowar, and on the west by such last-mentioned premises, and on the east by such above-mentioned piece of ground now vacant, and which said messuage and premises are on the aforesaid plan colored red.

WEST HAM.

Provisional Order for altering the Provisional Order applying the Public Health Act, 1848, *to the District of West Ham, in the County of Essex; and for other Purposes.—Local Government Act,* 1858.

Whereas by a Provisional Order of the General Board of Health, bearing date the 8th day of May 1856, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1856, (19 & 20 Vict. cap. 26.,) the said Public Health Act has been duly applied to the District of West Ham, in the County of Essex.

And whereas, by such Provisional Order as aforesaid, the number of members of the Local Board of Health to be elected under the aforesaid Public Health Act was fixed at fifteen, and the herein-before recited Public Health Supplemental Act, 1856, enacted that three of the members of the said Local Board of Health, to be constituted in pursuance of the West Ham Provisional Order set forth in the Schedule to that Act, should from time to time be delegated by the Court of Commissioners of Sewers for the Dagenham and Havering Levels; and the twelve remaining members of the said Board should be elected for the whole of the said District of West Ham by the owners of and ratepayers in respect of property in the said District.

And whereas the Local Board of Health for the said District of West Ham have, in pursuance of the Local Government Act, 1858, (sect. 77,) presented a petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration of the aforesaid Provisional Order; and for the other purposes set forth in such Petition.

And whereas, after due inquiry, it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The number of members to constitute the Local Board of Health for the District of West Ham shall be twenty-seven, and no members of such Board shall be delegated by the Court of Sewers for the Dagenham and Havering Levels, anything in the West Ham Provisional Order of the General Board of Health, bearing date the 8th day of May 1856, and so confirmed as aforesaid, to the contrary notwithstanding.

2.—Of the said twenty-seven members, nine be allotted to and be elected by each of the three Civil Sub-districts or Wards into which the parish of West Ham is divided, viz., the Church Street Ward, the Stratford Ward, and the Plaistow Ward, and that the first election for the said wards do take place within one month from the date of the passing of the Act confirming this Order; and till such election the members of the said Local Board of Health now acting do continue in office.

3.—One-third in number of the members to be so elected for each of the said wards shall annually go out of office on the day fixed by the aforesaid Provisional Order.

4.—The Local Act of the 17th and 18th years of Her present Majesty (cap. 89.), "to extend the Powers of the Commissioners of Sewers for "the Levels of Havering, Dagenham, and other Places, and to enable "them to construct Sewers in the Parishes of West Ham, East Ham, "and North Woolwich," shall, so far as the provisions thereof extend, refer to, comprise, or affect the herein-before recited West Ham Local Board of Health District, be repealed; and the balance remaining in the hands of the said Commissioners of the rates levied and received by them under the provisions of the said Local Act shall, after payment thereout by the said Commissioners of the expenses of obtaining the same, and of other expenses incurred by them, be paid over by such Commissioners to the Treasurer for the time being of the West Ham Local Board of Health, for the use and purposes of such Board, under the powers of the Local Government Act, 1858, and of the Public Health Act, 1848.

Given under my hand this 9th day of June 1863.

(Signed) G. Grey.

WORTHING.

Provisional Order repealing and altering parts of a Local Act in force within the District of the Worthing Local Board of Health. —Local Government Act, 1858.

Whereas the Local Board of Health in and for the district of Worthing in the County of Sussex have in pursuance of the Local Government Act, 1858, presented a Petition bearing date the 3d day of March 1863 to the Right Honorable Sir George Grey, Baronet, as one of Her Majesty's Principal Secretaries of State.

And whereas the said Petition set forth that in the forty-ninth year of the reign of King George the 3d an Act of Parliament was passed authorizing the Commissioners of the town of Worthing (appointed under an Act of Parliament of the 43d George 3d) to build a Market House and establish a Market in the said town, and that by the same Act the said Commissioners were empowered to borrow any sum of money not exceeding 4,000*l.*, for the purchase of ground for establishing and holding the said market, and for building stalls and other erections thereon, and for other incidental charges and expenses, and authorized the said Commissioners to give and execute mortgages for the money borrowed, upon security of the market tolls authorized to be taken by the said Act; and that the said Commissioners accordingly purchased ground, and built and established a market, and laid out and expended therein the sum of 3,765*l.*, which was borrowed of and secured to divers persons at interest at the rate of 5*l.* per cent. per annum; also that in 1821 an Amended Local Act (1 & 2 Geo. 4. cap. 59.) was obtained which gave an additional security to the mortgagees of the market tolls by charging the market debt of 3,765*l.* upon the paving rate as well as upon the market tolls, and by directing any surplus of the coal duty authorized by such Amended Act to be levied, after answering certain charges specifically made thereon, to be applied in aid of the said paving rate and market tolls, and that under the authority of the said Amended Local Act of 1821 the Commissioners borrowed the further sum of 1,156*l.* upon security of the paving rate and market tolls, and that these two sums of 3,765*l.* and 1,156*l.* are still owing at a total annual charge of 245*l.*; and that for the last 20 years and upwards the market tolls have been gradually diminishing, and have been for the last 2 years and are now let at an annual rent of 30*l.*; that the buildings, roofs, and stalls of the market have become much dilapidated and out of repair; that in 1852 a provisional order was made by the General Board of Health for applying the Public Health Act, 1848, to the said town of Worthing, and was confirmed by the Act of 15th and 16th Vict. cap. 42., and since that period the said Local Board of Health for the district of Worthing have acted as Commissioners for carrying into execution the herein-before mentioned Local Acts; and whereas the said Petition prayed for power to close the said market and to appropriate its site for building purposes.

And whereas inquiry has been directed by Her Majesty's Secretary of State for the Home Department into the subject of the said Petition, and has been held by William Ranger, Esquire, the Inspector appointed for the purpose, in the manner directed by the said Local Government Act, and he has duly reported thereon.

And whereas it appears expedient that the powers sought by the said Petition should be granted, but this cannot be done without the authority of Parliament.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State for the Home Department, do, in pursuance of the powers vested in me by the said Local Government Act, by this Provisional Order, direct that from and after the 1st day of July 1863—

1. The parts of the said Amended Local Act specified in the Schedule hereunto annexed shall be repealed.
2. It shall be lawful for the said Local Board and they are hereby empowered from and after the day aforesaid, at such time or times as they shall think proper to sell and dispose of the said Market House, and the site thereof, by public auction or private contract, and either in whole or in parts, and in the meanwhile and until such sale to appropriate the same to such uses and purposes as the said Local Board may from time to time think proper; and upon the sale of the said Market House and site to apply the purchase money and purchase monies arising from such sale or sales in liquidation of the sums borrowed on security of the said tolls or profits, so far as the same will extend; and upon payment to the Treasurers of the said Local Board of the purchase money or purchase monies, the said Local Board shall convey the premises so sold to the purchaser or purchasers thereof by deed, under the hands of any five or more members of the said Local Board, the said deed to be sealed with the

the seal of the said Local Board, and when so executed to be effectual to vest the lands comprised therein in the purchaser or purchasers of such lands for the estate which shall so have been purchased by him or them, a receipt under the hands of the Treasurers to the said Local Board for the time being to be a sufficient discharge to the purchaser or purchasers of any such land for the purchase money in such receipt expressed to be received.

And in every conveyance to be made as aforesaid the word "grant" shall operate as express covenants by the said Local Board for themselves and their successors, with the respective grantees therein named, and the heirs, executors, administrators, and assigns of such grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance, that is to say: A covenant that, notwithstanding any act or default done by the said Local Board or by the Commissioners formerly acting in execution of the said Local Acts, the said Local Board were at the time of the execution of such conveyance seised or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance in fee simple, free from all incumbrances done or occasioned by them the said Commissioners or the said Local Board, especially from all sum and sums of money borrowed by the said Commissioners and charged by way of security upon the said tolls or profits; also, a covenant that the grantee of such lands his heirs, executors, administrators, and assigns (as the case may be) shall quietly enjoy the same against the said Commissioners or the said Local Board, and their successors and all other persons claiming under them, and be indemnified and saved harmless by the said Local Board and their successors from all incumbrances created by the said Commissioners or the said Local Board; also, a covenant for further assurance of such lands, at the expense of such grantee, his heirs, executors, administrators, or assigns (as the case may be) by the said Local Board or their successors, and all other persons claiming under them; and all such grantees, and their several heirs, executors, administrators, and assigns respectively, according to their respective quality or nature, and the estate or interest in such conveyance expressed to be conveyed, may in all actions brought by them assign breaches of covenants, as they might do if such covenants were expressly inserted in such conveyances.

Given under my hand, this 10th day of June 1863.

(Signed) G. GREY.

SCHEDULE to which this Order refers.

The Sections of the herein-before recited Local Act of 1 & 2 Geo. IV. cap. 59, to be repealed, are those numbered respectively in the copies of the said Act, printed by the King's Printers, 102, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 116, 117, and so much of Sections 114, 115, 119, 120, and 152 as relates to or concerns the tolls or profits of the Market referred to in the foregoing Order.

ABERAVON.

Provisional Order repealing a Local Act in force within the District of the Aberavon Board.—Local Government Act, 1858.

Whereas the Local Board for the District of Aberavon in the County of Glamorgan, in which District the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of a certain Local Act of Parliament in force within South Wales, so far as such Act affects the said District of Aberavon, the said Act having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Twenty-third and Twenty-fourth years of the reign of Her present Majesty (23 & 24 Vict. cap. 68.), and intituled the South Wales Highway Act.

And whereas, in pursuance of the said Local Government Act, inquiry has been made in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such order can be valid without the confirmation of Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The said Local Act of 23 & 24 Vict. cap. 68. shall be repealed so far as such Act affects the District of the aforesaid Local Board of Aberavon.

Given under my hand this 9th day of June 1863.

(Signed) G. Grey.

WALLASEY.

Provisional Order for extending the Borrowing Powers of the Wallasey Local Board of Health.—Local Government Act, 1858.

Whereas the Local Board of Health for the District of Wallasey, in the County of Chester (now called "The Wallasey Local Board"), have duly borrowed under the Provisions of the Public Health Act, 1848, the Wallasey Improvement Act, 1858, the Wallasey Improvement Act, 1861, and of the Local Government Act, 1858, sums amounting altogether to Forty-eight thousand Pounds, to defray the expense of works for the Sewerage of and Supply of Water to the said District, being works of a permanent nature under the aforesaid Acts; and whereas there is now owing of that amount, a sum of Forty-two thousand five hundred and twenty-five Pounds, and a further sum will be required to carry out and complete the said works, but such further sum, with the herein-before mentioned 42,525*l.*, will exceed the assessable value for one year of the premises assessable under the said Acts within such District, constituted as aforesaid.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the aforesaid Acts, a sum or sums which, with the amount already borrowed, shall not exceed in the whole two years' assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament;

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1. The Local Board of Health for the District of Wallasey in the county of Chester (now called "The Wallasey Local Board") shall have power and authority to borrow or reborrow, for the execution and completion of the aforesaid works of a permanent nature within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, a further sum, not exceeding Thirteen thousand Pounds, which, together with the sums already sanctioned to be borrowed by the Local Board aforesaid, will not exceed in the whole two years' assessable value of the premises assessable under such Acts within the aforesaid District; the several aforesaid sums already borrowed and to be further borrowed under the authority of this present Order, and of the Act confirming the same, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my hand this 9th day of June 1863.

(Signed) G. Grey.

Local Government Supplemental (No. 2).

A

B I L L

To confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of Plymouth, Holywell, Llanelly, West Ham, Worthing, Aberavon, and Wallasey.

(Prepared and brought in by
Mr. Bruce and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
12 *June* 1863.

[Bill 165.]

Under 3 oz.

5

20 *February* 1863. 26 VICT.

A

BILL

FOR

Further continuing and appropriating the London Coal and Wine Duties.

WHEREAS by The London Coal and Wine Duties Continuance Act, 1861, the Local Coal and Wine Duties therein mentioned, being Four Shillings a Tun on Wines, and One Penny and Twelvepence a Ton on Coals, Culm, and Cinders, were continued until the Fifth Day of July One thousand eight hundred and seventy-two; and by the same Act the Proceeds of the said Wine Duty, and of the said Coal Duty of One Penny, and of the Duty of Eightpence, Part of the said Coal Duty of Twelvepence, were directed (after Satisfaction of certain Charges) to be paid to an Account to be opened in the Name of the Commissioners of Her Majesty's Treasury at the Bank of England, to be intituled The Thames Embankment and Metropolis Improvement Fund, and to be applied to the Improvement of the Metropolis in such Manner as might thereafter be determined by Parliament: Preamble. 24 & 25 Vict. c. 42.

And whereas by the same Act the Proceeds of the Duty of Fourpence, Residue of the said Coal Duty of Twelvepence (after Payment of certain Charges thereon), were directed to be applied by the Mayor, Commonalty, and Citizens of the City of London towards or in aid of such Public Improvements in or adjacent to the said City as Parliament should thereafter sanction:

25 & 26 Vict. c. 93.

And whereas by The Thames Embankment Act, 1862, the Metropolitan Board of Works were authorized to make an Embankment on the Left Bank of the Thames from Westminster Bridge to the Eastern Boundary of the Inner Temple, and a Viaduct thence to Blackfriars Bridge, with a public Roadway on the Embankment and on the Viaduct:

And whereas by the said Embankment Act of 1862 it was provided that (subject to certain Charges) all Expenses incurred in carrying that Act into effect should be defrayed out of the said Improvement Fund, or Money to be borrowed on the Security thereof, and the said Board were empowered to borrow on that Security any Sum not exceeding One million Pounds:

And whereas a Bill has been introduced into Parliament in the present Session for making a new Street from Blackfriars to the Mansion House in the City of London, in connexion with the Embankment of the River Thames on the Northern Side of that River; and for other Purposes:

And whereas, with a view of making a general Fund for defraying the Expenses of carrying into effect the Objects of the said Bill, as well as the Purposes of the Embankment Act of 1862, it is proposed by the said Bill that the said Board should be authorized to borrow under the Provisions of the Embankment Act of 1862 the Sum of One million seven hundred thousand Pounds instead of the Sum of One million Pounds:

And whereas several Works have been recommended for the Improvement of the Metropolis by the Commissioners appointed by Her Majesty to examine Plans for embanking the Surrey Side of the River Thames within the Metropolis, and by the Commissioners appointed to consider the Advantages and Cost of different Plans calculated to relieve the overcrowding of existing Thoroughfares and to conduce to the Convenience of the Public and the Embellishment of the Metropolis:

And whereas it would greatly conduce to the Convenience of the Public and to the Accommodation of Metropolitan Traffic if Alterations and Improvements were made in and adjacent to Holborn Hill and Skinner Street, by the raising of Holborn Valley:

And whereas it is apprehended that the Proceeds of the said Coal and Wine Duties as continued by the said Continuance Act of 1861 will be insufficient for the Purposes aforesaid, and it is therefore expedient to continue the same from the said Fifth Day of July One thousand eight hundred and seventy-two for a further Period of Ten Years, for the Purpose of providing Means to defray the Expenses of the Undertakings aforesaid, including the Alterations and Improvements aforesaid in and adjacent to Holborn Hill and Skinner Street:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Continuance of Duties and Acts for further Period of Ten Years.

1. All Duties by The London Coal and Wine Duties Continuance Act, 1861, continued until the Fifth Day of July One thousand eight hundred and seventy-two, and all Acts relating thereto, shall be continued until the *Fifth Day of July One thousand eight hundred and eighty-two*; and The London Coal and Wine Duties Continuance Act, 1861, shall be read as if the *Fifth Day of July One thousand eight hundred and eighty-two* had been substituted throughout that Act for the Fifth Day of July One thousand eight hundred and seventy-two.

Fourpenny Coal Duty to be applied by Corporation of London to Holborn Hill Improvements.

2. The net Proceeds of the Duty of *Fourpence*, Part of the Duty of Twelvepence, on Coal, Culm, and Cinders, continued by this Act until the *Fifth Day of July One thousand eight hundred and eighty-two*, shall, during the Continuance thereof be applied by the Mayor, Commonalty, and Citizens of the City of London in the first instance in Payment of the Interest and in discharge of so much of the Principal of the several Sums mentioned in the Sixth Section of The London Coal and Wine Duties Continuance Act, 1861, as now remains unpaid; and an Account of the Receipt and Application of such Duty of *Fourpence* shall be kept separate and distinct from the Accounts of the said Mayor, Commonalty, and Citizens, and an Abstract of the said Account shall be annually laid by the Chamberlain of the said City before both Houses of Parliament; and after discharging the said Sums and Interest, and in the meantime subject thereto, the said Duty of *Fourpence* shall be applied by the Corporation of London in the first instance towards or in aid of the raising of Holborn Valley, and afterwards to such other public Improvement or Improvements in or adjacent to the City of London as Parliament shall hereafter sanction.

Short Title.

3. This Act may be cited as The London Coal and Wine Duties Continuance Act, 1863.

London Coal and Wine Duties Continuance.

A

BILL

For further continuing and appropriating the London Coal and Wine Duties.

(*Prepared and brought in by*
Mr. Massey, Mr. Cowper, and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,*
20 *February* 1863.

[Bill 27.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

LONDON COAL AND WINE DUTIES CONTINUANCE BILL.

Note.—*The Page and Line refer to the Bill* (104.) *as printed by the Lords.*

Page 2. Line 25. Leave out (" One") and insert (" Two"), and leave out (" Seven hundred thousand")

[Bill 197.]

LORDS AMENDMENTS

TO THE

LONDON COAL AND WINE DUTIES CONTIUANCE BILL.

Ordered, by The House of Commons, *to be Printed,*
30 *June* 1863.

[Bill 197.]

Under 1 *oz.*

19 *May* 1863. 26 VICT.

A

BILL

INTITULED

An Act for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of Canterbury, London, Winchester, and Rochester; and for other Purposes.

Preamble.
6 & 7 W. 4. c. 77.

WHEREAS by an Act of the Session of the Sixth and Seventh Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-seven, and by a certain Order in Council issued under the Authority of that Act, the Limits of the Sees of Canterbury, London, Winchester, and Rochester were newly arranged, and by such Arrangement it was amongst other things provided—

Firstly, That the Borough of Southwark, and the Parishes of Battersea, Bermondsey, Camberwell, Christchurch, Clapham, Lambeth, Rotherhithe, Streatham, Tooting Graveney, Wandsworth, Merton, Kew, and Richmond, in the County of Surrey, all then in the Diocese of Winchester (which Parishes are hereinafter referred to as the first-named Parishes), should on the next Avoidance of the See of Winchester (which Avoidance has not yet happened) be added to and form Part of the See of London:

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Secondly, That the Parishes of Barking, East Ham, West Ham, Little Ilford, Low Layton, Walthamstow, Wanstead, Saint Mary Woodford, and Chingford, in the County of Essex (which Parishes are herein-after referred to as the second-named Parishes), should continue to form Part of the Diocese of London:

Thirdly, That the Parishes of Charlton, Lee, Lewisham, Greenwich, Woolwich, Eltham, Plumstead, and Saint Nicholas Deptford in the County of Kent, and of St. Paul Deptford, in the Counties of Kent and Surrey, all then in the Diocese of Rochester (which Parishes are herein-after referred to as the third-named Parishes), should on the next Avoidance of the See of Rochester (which Avoidance has since happened) be added to and form Part of the See of London:

And whereas by reason of the great Increase which since the passing of the said Act had taken place in Parts of the said Sees, and of other Circumstances, it seemed good to Her Majesty, on the Eighth Day of April One thousand eight hundred and fifty-seven, to issue a Commission to certain Persons therein named, directing them to consider the State of the several Dioceses of Canterbury, London, Winchester, and Rochester, as now or thereafter to be constituted by or under the Provisions of the said Act and Orders in Council, with special Reference to the Circumstances of the said Dioceses and the Extent and Boundaries thereof respectively, and the Number of Benefices and the Amount of the Population contained therein, and the Position and Circumstances of the Cathedral Churches within the same Dioceses, and whether any and what Alterations might advantageously be made in the same or with reference thereto: And whereas the said Commissioners, in pursuance of the said Directions, made a Report to Her Majesty, dated the Thirty-first Day of March One thousand eight hundred and fifty-eight, and thereby recommended, amongst other things, that such Arrangements as are herein-after mentioned should be made with respect to the Episcopal Superintendence of the said Parishes firstly, secondly, and thirdly herein-before named: And whereas the said Recommendations cannot be carried into effect without the Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

1. This Act may be cited for all Purposes as "The London Diocese Act, 1863."

Confirmation of Recommenda-

2. The said Act of the Session of the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter Seventy-seven, and the tion of Commissioners.

the Orders in Council made in pursuance thereof, shall be repealed, so far as respects the said first-named Parishes, and the said first-named Parishes shall, notwithstanding, continue to form Part of the See of Winchester.

The second-named and third-named Parishes shall on the next Avoidance of the See of Rochester be united to and form Part of the See of Rochester. And all or any of the said second-named and third-named Parishes may, previously to such Avoidance, by Order of Her Majesty in Council, made on the joint Application of the Bishops of London and Rochester, be united to and form Part of the See of Rochester.

And the said second-named Parishes, on being united to the See of Rochester, shall become Part of the Archdeaconry of Essex. And the said third-named Parishes, on being united to the same See, shall become subject to the same Archidiaconal Jurisdiction as the other Parishes situate in Kent and belonging to the See of Rochester are or may become subject to.

Jurisdiction of Archdeacon of St. Albans.

3. And whereas by the same Act and Order in Council it was provided, that upon the then next Avoidance of the Archdeaconry of Rochester the said Archdeaconry should be suppressed, and that the next and every future Dean of Rochester should have the Jurisdiction of an Archdeacon within and over the whole City and Deanery of Rochester, and all Parishes and Places within the Limits of the said City and Deanery: And whereas the Archdeaconry of Rochester became vacant sometime since, but no Vacancy in the Deanery of the Cathedral Church of Rochester hath yet taken place, and there is not at present any One to exercise Archidiaconal Jurisdiction within and over the City and Deanery of Rochester: And whereas by an Order of Her Majesty in Council, dated the Twenty-seventh Day of August One thousand eight hundred and sixty, the Canonry in the Cathedral Church of Rochester formerly held with the said Archdeaconry of Rochester was permanently annexed to the Archdeaconry of St. Albans: And whereas, in order to remove the Inconvenience which has arisen from there being no Person capable of exercising Archidiaconal Jurisdiction within the said Archdeaconry of Rochester, and which is likely to arise from that Jurisdiction being vested in the Dean of the Cathedral Church of Rochester, it is proposed to vest such Archidiaconal Jurisdiction in the Archdeacon of St. Albans and his Successors: Therefore the said Act of the Session of the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter Seventy-seven, and the said first-mentioned Order in Council made in pursuance thereof, shall be repealed, so far as they respect the Archidiaconal Jurisdiction over the said City and Deanery of Rochester; and the full and exclusive

Jurisdiction of an Archdeacon within and over the whole City and Deanery of Rochester, and all Parishes and Places situate within the Limits of the said City and Deanery, shall, immediately after the passing of this Act, be vested in and exercised by the Archdeacon of the Archdeaconry of St. Albans and his Successors, Archdeacons of the said Archdeaconry, and the said Archdeacon shall be styled the Archdeacon of Rochester and St. Albans.

London, &c. Dioceses.

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BILL

INTITULED

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(Brought from the Lords 18 May 1863.)

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